

GOVERNMENT OF HYDERABAD

LAW DEPARTMENT

THE HYDERABAD CODE

(IN FIVE VOLUMES)

VOLUME IV

UNREPEALED HYDERABAD ACTS

1952—1954

Published by Authority

HYDERABAD-DN.
1956

PREFACE.

THIS is the first attempt on the part of the Law Department to codify all the laws of the Hyderabad State and to publish them in the form of a Code. This Code contains almost all unrepealed laws of the State from 1305 Fasli, (1895 A. D.) till the end of August, 1956.

The position of Hyderabad State laws had varied from time to time with the political vicissitudes in the State. Prior to the Police Action (1948) the Ruler of the State had full legislative powers. There used to be a Legislative Council, which passed laws, which were promulgated as Acts with the sanction of the Ruler. The authoritative text of these Acts is in Urdu and they were numbered according to the Fasli calendar, which was then in vogue. Their record was fully maintained in the Law Department.

Apart from the above Acts, the Ruler used to promulgate Regulations (Dasturulamals), as and when necessary, without the medium of the Legislative Council, by issuing Firmans at the instance of various administrative Departments, without the scrutiny or knowledge of the Law Department. The record of such Regulations was not maintained in the Law Department, although they have the full force of law. Some laws of this category were nomenclated as "A'ins" and some as "Rules" both of them having the force of law. As no record was available of the laws of this category, it was found very difficult to examine all the old Gazettes and collect them within the span of time allotted for the publication of the Code. An attempt was, however, made to trace out these laws from the Gazettes and a tentative list was prepared, but it cannot be said to be exhaustive. A large number of these laws have spent themselves and have become dead letters, leaving only a few of them still in force. The authoritative text of these laws is in Urdu.

After the Police Action till the commencement of the Constitution, the legislative powers were exercised at first by the Military Governor and after him by the Chief Minister. The laws enacted during this period were called Regulations, and they were numbered according to the Fasli Calendar, but their authoritative text is in English.

After the commencement of the Constitution till the Constitution of the Hyderabad Legislative Assembly in 1952, the legislative powers continued to be exercised by the Chief Minister, subject to the provisions of the Constitution. The laws enacted during this period were called Acts and they were numbered according to the British Calendar. The authoritative text of these Acts is in English.

It will be seen from the above that while the laws of the State enacted before the Police Action are all in Urdu, those enacted after the Police Action are in English. Another peculiar feature is that all the amendments made after the Police Action in the pre-Police Action Urdu laws are in English with the result that the authoritative text of these laws is partly in Urdu and partly in English. In view of this confusing condition of the laws of this State, no attempt was so far made to publish them in the form of a Code. However, in connection with the Reorganisation of States it has now become an urgent necessity to make available to the successor States and the people a collection of the State laws in the form in which they now stand.

This Code is published in five volumes. Volumes I and II contain the laws from 1305 Fasli (1895 A. D.) to the end of 1357 F. (September, 1948) i. e., till the Police Action. In order to facilitate those, who do not understand Urdu, these two Volumes are printed in diglot style, and English translation of only such portion of the text which is Urdu is given under the column headed "Translation".

The other volumes, namely, Volume III contains the laws from October, 1948 to the end of 1951, Volume IV the Acts from 1952 to 1954 and Volume V the Acts from 1955 to the end of

August, 1956. There are a few bills which have been passed by the Assembly, some of which are reserved for the assent of the President and the others sent to Rajpramukh for his assent. They will be published in the form of a supplement to this Code.

The enactments included in this edition are printed as modified upto the end of August, 1956. Amending Acts which make textual amendments to the Principal Acts have been omitted, except those which amend the Central Acts or where the amending Act is such that its printing is necessary.

The pages of each volume are numbered separately and they are issued in the style of a loose leaf binder, in order to make it easier to replace the corrected pages and to keep the Volume up-to-date.

The enactments have been printed in chronological order. A chronological table is prefixed to each Volume. An Alphabetical index of Acts included in the Volume is also annexed at the end of each Volume.

In view of the urgency occasioned due to the States Reorganisation and the consequent trifurcation of Hyderabad State, this edition consisting of five volumes had to be brought out within a period of less than three months. Any shortcomings in the execution of the work will, therefore, have to be viewed in this context and also keeping in view the magnitude and the nature of work involved.

Due to the paucity of time, a part of this work had to be done in private undertakings. This Department takes this opportunity to thank the Government Press and other private concerns who have contributed to the quick completion of the work and also the staff of the Law Department including Translation Section who have been entrusted with this work.

CHANDRAKANT RAO GODSAY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Hyderabad–Deccan,
4th September, 1956.

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THE HYDERABAD IRRIGATION (BETTERMENT CONTRIBUTION AND INCLUSION FEES) ACT, No. V OF 1952.

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*THE HYDERABAD IRRIGATION (BETTERMENT CONTRIBUTION AND INCLUSION FEES) ACT, 1952.

No. V of 1952.

An Act to provide for the levy of betterment contributions or inclusion fees on certain lands in the State of Hyderabad.

Preamble.

Whereas it is expedient to provide for the levy of betterment contributions or inclusion fees on certain lands in the State of Hyderabad ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date in such local area in the State of Hyderabad as the Government may by notification in the Jarida appoint in this behalf and different dates may be appointed for different local areas.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context —

(1) "Collector" means the Collector of the District or such other officer as Government may appoint to discharge the functions of the Collector under this Act ;

(2) "contribution" means the betterment contribution referred to in section 3 ;

(3) "drainage work" includes—

(*a*) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels,

(*b*) escape channels from an irrigation work,

(*c*) dams, weirs, embankments and sluices, and

*Published in Gazette Extraordinary No. 12, dated 26th Feb., 1952

(*d*) all works for the protection of lands from flood or from erosion,

which are owned or controlled by the Government, or which are maintained by them otherwise than by an assignment of land or land revenue made, confirmed or reorgnized by the Government, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue as aforesaid, have not been made over to any person,

but does not include works for the removal of sewage;

(4) "irrigation work" includes—

(*a*) all canals, channels, tanks, wells, reservoirs, ponds and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith or auxiliary thereto,

which are owned or controlled by the Government, or which are maintained by them otherwise than by an assignment of land or land revenue made, confirmed or recognized by the Government or which having been constructed by the Government or being maintained by an assignment of land or land revenue as aforesaid have not been made over to any person;

(*b*) all such lakes and other natural collection of water or parts thereof as are owned or controlled by Government;

(*c*) all lands used for the purpose of the works referred to in sub-clauses (*a*) and (*b*) and all buildings, machinery, fences, gates ond other errections occupied by, or belonging to, the Government on such lands;

(5) "owner", in relation to any land, includes any person having an interest in such land;

(6) "prescribed" means prescribed by rules made under this Act.

Recovery of betterment contribution.

3. The Government shall be entitled to recover a betterment contribution, in accordance with the provisions of this Act, from the owner of any land which, in their opinion is benefited, or is capable of being benefited, by the completion of the construction of any irrigation or drainage work or

by the completion of the improvement or extension of any such work, whether after the commencement of this Act, or at any time before such commencement but nor earlier than the 1st January, 1943.

Determination of contribution by Collector.

4. Subject to such rules as may be prescribed, the Collector shall determine the contribution payable in respect of each of the lands mentioned in section (3), after taking into accouut of the increase in its capital value as estimated in the prescribed manner:

Provided that the contribution shall in no case exceed one-half of such increase.

Procedure of Collector.

5. Before determining the contributions payable under section 4, the Collector shall invite objections and suggestions, in such manner as may be prescribed, from the persons liable to pay the same and consider in the prescribed manner all objections and suggestions received from them.

When contribution becomes payable.

6. Every owner shall become liable to pay the contribution determined under section 4 in respect of his land as soon as he is served with a written notice of demand therefor issued by the Collector.

Appeals.

7. Any owner aggrieved by any determination made by the Collector under section 4 may, within the prescribed time, appeal to the Board of Revenue; and the Board may pass such orders on the appeal as it thinks fit.

Revision.

8. The Government may, at any time, either *Suo motu* or on application, call for and examine the record of any proceeding taken under this Act by any officer or authority including the Collector and the Board of Revenue, for the purpose of satisfying themselves as to the legality, regularity or propriety of such proceeding, and may pass such orders in reference thereto as they think fit :

Provided that the contribution or inclusion fee ordered to be paid by the Collector or the Board of Revenue in any case, shall not be enhanced, without the parties concerned being given an opportunity to be heard by the Revenue Minister.

Finality of orders passed under the Act.

9. Any order passed by the Government in revision under section 8, and subject to such order, any order passed by the Board of Revenue on appeal preferred to it under

section 7, and subject to the orders aforesaid of the Government and the Board, the determination of the Collector under section 4 shall be final and it shall not be liable to be questioned in any Court of Law.

Mode of payment of contribution.

10. The owner of any land in respect of which any contribution is payable shall pay it in the manner prescribed, provided that the Government may, in any case or class of cases accept payment of the betterment contribution by way of surrendering to them by the owner of a portion of the land, the value whereof is in their opinion equal to the amount of the contribution.

Deduction from contribution.

11. A person liable to pay any contribution in respect of the construction, improvement or extension of any irrigation of drainage work shall be entitled to deduct from the amount thereof any amount previously paid by him to the Government as a voluntary contribution for the same purpose.

Contribution recoverable as arrear of land Revenue.

12. If the amount of the contribution or of any instalment thereof, or of any interest thereon payable under this Act, is not paid within the prescribed time, it shall be recoverable as if it were an arrear of land revenue.

Recovery of inclusion fee.

13. (1) The Government shall be entitled to recover an inclusion fee from the owner of any dry land included either in the wet ayacut or in the irrigated dry ayacut served by any such irrigation or drainage work as is mentioned in section 3.

(2) The provisions of this Act in regard to the determination, payment and recovery of the betterment contribution shall, so far as may be, and subject to such modifications, if any, as may be prescribed, apply to the determination, payment and recovery of inclusion fee under this section.

Contribution and inclusion fee not to be levied for the same land.

14. Nothing contained in this Act shall be deemed to authorise the levy of both contribution and inclusion fee for the same land.

Power to exempt.

15. The Goverement may by general or special order and subject to such conditions, if any, as may be prescribed, exempt any land or class of land from the levy of contribution or inclusion fee under this Act.

Power to make rules.

16. The Government may, by notification published in the Jarida, make rules to carry out the purposes of this Act and in particular make rules for anything which under this Act may be prescribed.

Savings.

17. Nothing contained in this Act shall apply to the determination, payment or recovery of the betterment contribution or the inclusion fee from the owners of lands which are benefited or are served, by an irrigation or drainage work, if provision in that behalf is contained in any other law for the time being in force and relating to such work.

*THE HYDERABAD GENERAL SALES TAX (SECOND AMENDMENT) ACT, 1952.

No. VII OF 1952.

An Act further to amend the Hyderabad General Sales Tax Act, 1950.

Whereas it is expedient further to amend the Hyderabad General Sales Tax Act, 1950 (Hyderabad Act XIV of 1950), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad General Sales Tax (second Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force on the first day of March, 1952.

2. and 3. .....[Amendments carried out in the Principal Act]

4. Notwithstanding anything contained in the said Act as amended by this Act, Government may by notification in the Jarida levy an additional tax at the first sale by a dealer or casual trader or at the first point in a series of sales by successive dealers or casual traders at the rate of two pies in the rupee on cigars, cheroots, cigarettes, pipe tobacco and tinned tobacco used in cigarettes and paper-loose, in addition to the tax leviable on these goods under clause (1) of section 4 of the said Act. Savings.

———§§§§———

*Published in Gazette Extraordinary No. 14, dated 28th February, 1952.

THE HYDERABAD ATIYAT ENQUIRIES

ACT, No. X OF 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
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7. Succession.
8. Classes of Atiyat Courts.
9. Investure of powers.
10. Jurisdiction and procedure of 'Atiyat Courts.
11. Appeals.
12. Decision of Civil Courts to prevail on questions of succession, legitimacy, etc.
13. Finality of decision of the Atiyat Court and of certain other decisions.
14. Rules.
15. Repeal.
16. Savings.

Schedule.

*THE HYDERABAD ATIYAT ENQUIRIES ACT, 1952.

No. X of 1952.

An Act to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat enquiries, enquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto.

Preamble.

Whereas it is expedient to amend and consolidate the law regarding Atiyat grants, in respect of Atiyat enquiries, enquiries as to claims to succession to, or any right, title or interest in Atiyat grants and matters ancillary thereto;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Atiyat Enquiries Act, 1952.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may, by notification in the Jarida, appoint in this behalf.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context—

(*a*) " Atiyat Court " means a Court or authority competent to make Atiyat enquiries and enquiries as to claims to succession to and any right, title or interest in Atiyat grants and matters ancillary thereto ;

(*b*) " Atiyat grants " include Inams and cash grants known as Rusums; Youmias, Mamuls, Saliana. Imtiyazi Mahwars, Pensions and any other allowances granted by the State for the performance of certain duties, past or present, or as charities without the obligation of any service ;

(*c*) " Muntakhabs and Vasikas " means documents issued by competent authorities as a result of Inam or succession enquiries held under the

*Published in Gazette Extraordinary No. 21, dated 14th March, 1952.

Dastoor-ul-Amal Inams or other Government orders on the subject and issued by way of continuance or confirmation of Atiyat grants ;

(d) "Holding an Atiyat grant" means the enjoyment of the Atiyat grant on the basis of a Muntakhab, a Vasiqa any order of a competent authority ;

(e) "Holder of an Atiyat grant" means a person or institution actually holding the Atiyat grant ;

(f) "Inam" has the meaning assigned to the word in section 2 (*a*) (*i*) of the Hyderabad Enfranchised Inams Act, 1952 ;

(*g*) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions used in this Act but not defined therein shall have the meanings assigned to them in the Hyderabad Land Revenue Act.

General Provisions as to Atiyat Grants.

Continuance of Atiyat Grants.

3. All Atiyat grants held Immediately before the commencement of this Act shall, subject to the provisions of the Hyderabad Enfranchised Inams Act, 1952, continue to be held by the holders thereof and after them by their sucessors, if any, subject to the conditions laid down in the Muntakhabs or Vasikas, if any, relating thereto and to the provisions of this Act.

Enquiries as to Atiyat Grants in Jagirs.

4. Notwithstanding anything contained in section 3, continuance of Atiyat grants in the erstwhile Jagir areas or granted by erstwhile Jagirdars shall be subject to inquiries made for that purpose and for confirmation in accordance with rules made uner this Act.

Consequences of breach of Conditions of Muntakhab or Vasiqa.

5. For the breach of the conditions contained in any Muntakhab or Vasiqa relating to an Atiyat grant or for other sufficient cause, the Government after giving an apportunity to the holder of the Atiyat grant to be heard, may by order resume the grant or modify the terms and conditions specified in any Muntakhab or Vasiqa relating thereto or pass such other orders in respect of the Atiyat grant as Government may think fit.

Prohibition of alienation or encumbrance and exemption of attachment by a Court.

6. Atiyat Grants shall not be liable to be transferred or encumbered in any manner or to any extent whatsoever and it shall not be lawful for any Court to attach or sell any Atiyat grant or any portion or share thereof :

Provided that half the income of the Atiyat grant shall be attachable in execution of a decree through the Revenue Department.

Succession.

7. Subject to the provisions of this Act, succession to Atiyat grants shall, after the commencement of this Act, be regulated by the personal law applicable to the last holder.

Constitution of Atiyat Courts their jurisdiction and procedure.

Classes of Atiyat Courts.

8. Notwithstanding the provisions of any law for the time being in force, there shall be the following classes of Atiyat Courts :—

(*a*) Atiyat Deputy Collectors ;
(*b*) Atiyat Collectors ;
(*c*) Nazim Atiyat ; and
(*d*) Board of Revenue.

Investure of powers.

9. Government may, by notification in the Jarida, invest any officer with the powers of any Atiyat Court mentioned in clauses (*a*), (*b*) or (*c*) of section 8, specifying the area within which the powers may be exercised.

Jurisdiction and procedure of Atiyat Courts.

10. The original Jurisdiction of Atiyat Courts shall be regulated in the manner specified in the Schedule and the procedure thereof including the time within which and the manner in which appeals may be filed against their decisions under this Act shall be such as may be prescribed.

Appeals.

11. (1) From the original decision—

(*a*) of an Atiyat Deputy Collector, an appeal shall lie to the Atiyat Collector ;

(*b*) of the Atiyat Collector, to the Nazim Atiyat ; and

(*c*) of the Nazim Atiyat, to the Board of Revenue.

(2) From the appellate decision of an Atiyat Collector, an appeal shall lie to the Nazim Atiyat.

(3) From the appellate decision of the Nazim Atiyat, an appeal shall lie to the Board of Revenue.

(4) The decision of the Board of Revenue shall be final.

Miscellaneous.

Decision of Civil Courts to prevail on questions of succession, legitimacy, etc.

12. In so far as questions of succession, legitimacy, divorce or other questions of personal law are concerned, the final decision of a Civil Court shall be given effect to by the Atiyat Court established under this Act on the decision being brought to its notice by the party concerned or otherwise irrespective of whether the decision of the Atiyat Court was given befere or after the decision of the Civil Court.

Finality of decision of the Atiyat Court and of certain other decisions.

13. (1) Except as provided in this Act, the decision of an Atiyat Court shall be final and shall not be questioned in any Court of Law.

(2) The orders passed in cases relating to Atiyat Grants including Jagirs on or after the 18th September, 1948 and before the commencement of this Act by the Military Governor, the Chief Civil Administrator or the Chief Minister of Hyderabad or by the Revenue Minister by virtue of powers given or purporting to be given to him by the Chief Minister shall be deemed to be the final orders validly passed by a competent authority under the law in force at the time when the order was passed and shall not be questioned in any court of law.

Rules.

14. Government may make rules for carrying out the purposes of this Act and in particular for anything which may be prescribed under this Act.

Repeal.

15. Dastur-ul-Amals, Inams and Circular No. 10 of 1338 Fasli and all other circulars amending or supplementing the same are hereby repealed :

Provided that—

(*a*) any rule, order or notification made or issued under the circulars hereby repealed in so far as it is not inconsistent with the provisions of this Act shall be deemed to have been made or issued under this Act and shall continue to be in force until it is superseded thereunder ;

(*b*) all suits, appeals and applications pending immediately before the commencement of this Act before an Atiyat Court or before the Atiyat Appeal Committee shall be continued and disposed of as if this Act had not been passed; but such cases may be heard and disposed of by the same Court or Committee before whom they are pending immediately before the commencement of this Act or by any other Atiyat Court or authority appointed for the purpose by the Government by a general or special order.

Savings.

16. The provisions of this Act shall cease to be applicable to any Inam to which at any time the Hyderabad Enfranchised Inams Act 1952 is made applicable.

SCHEDULE

ORIGINAL JOURISDICTION OF ATIYAT COURTS.

Description of Atiyat grant	Atiyat Deputy Collector	Atiyat Collector	Nazim Atiyat
1. Inams	Total annual assessment up to Rs. 250	Beyond the powers of Atiyat Deputy Collector and up to an annual assessment of Rs. 5,000	Beyond the powers of the Atiyat Collector without any limit.
2. Cash grants	Up to Rs. 100 annually.	Beyond the powers of Atiyat Deputy Collector and up to Rs. 1,000. annually.	Beyond the powers of the Atiyat Collector without any limit.

THE HYDERABAD STATE APPROPRIATION ACT, 1952.

No. XI OF 1952.

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2. Issue of Rs. 6,09,55,000 out of the Consolidated Fund of the State of Hyderabad for the year 1951–52.
3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1952.

No. XI of 1952.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for service of the year ending on the 31st day of March 1952.

Whereas in view of the provisions contained in Article 266 and in clause (3) of Article 212A of the Constitution of India it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1952;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Hyderabad State Appropriation Act, 1952.

Issue of Rs. 6,09,55,000 out of the consolidated Fund of the State of Hyderabad for the year 1951-52.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Six crores, nine lakhs and fifty-five thousand rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1952, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1952.

* Published in Gazette Extraordinary No. (21), dated 14th March, 1952.

SCHEDULE

(See Sections 2 and 3)

No.	Services and Purposes	Sums not exceeding		
		Charged on the consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3		
1	State Excise Duties ..	..	11,02,000	11,02,000
2	Charges on account of Motor Vehicles Acts ..	..	3,00,000	3,00,000
3	Other Taxes & Duties ..	..	2,27,000	2,27,000
4	Other Revenue Expenditure financed from ordinary Revenue ..	..	5,00,000	5,00,000
5	Other Revenue expenditure financed from Famine Relief Fund ..	..	9,00,000	9,00,000
6	Interest on Debt and other obligations ..	6,69,000	..	6,69,000
7	General Administration ..	..	2,92,000	2,92,000
8	Administration of Justice ..	..	5,78,000	5,78,000
9	Jails and Convict Settlements ..	..	49,000	49,000
10	Police ..	..	1,05,88,000	1,05,88,000
11	Education ..	..	6,88,000	6,88,000
12	Miscellaneous Deptts. ..	..	24,90,000	24,90,000
13	Miscellaneous ..	..	10,24,000	10,24,000
14	Capital outlay on Irrigation Works	..	17,42,000	17,42,000
15	Capital Outlay on Multi-purpose River Scheme ..	..	42,000	42,000
16	Capital outlay on Electricity Scheme ..	..	22,49,000	22,49,000
17	Payment of Commutted Value of Pensions ..	..	10,15,000	10,15,000
18	Interest Free & Interest bearing advances ..	..	3,65,00,000	3,65,00,000
	Total ..	6,69,000	6,02,86,000	6,09,55,000

THE HYDERABAD JAGIRDARS DEBT SETTLEMENT ACT, 1952.

No. XII OF 1952.

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* THE HYDERABAD JAGIRDARS DEBT SETTLEMENT ACT. 1952.

No. XII OF 1952.

An Act to make provision for the settlement of the debts of Jagirdars.

WHEREAS it is expedient to make provision for the settlement of the debts of the Jagirdars; Preamble.

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Hydcrabad Jagirdars Debts Settlement Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force on the date of its publication in the Jarida.

2. In this Act, unless there is anything repugnant in this subject or context— Definitions.

(*a*) "award" means an award made under the provisions of this Act ;

(*b*) "Board" means a Board constitued. under section 4 for the settlement of debts;

(*c*) "Collector" means the cheif officer in charge of the revenue administration of a district and includes any officer appointed as Collector under this Act;

(*d*) "Co-operative Society" means a Society registered under the provisions of the Hyderabad Co-operative Credit Societies Act, II of 1323 Fasli;

(*e*) "debt" means any liability in cash or kind, whether secured or unsecured, due from a Jagirdar, whether payabale under a decree or order of any Civil Court or otherwise and "debtor" shall be construed accordingly;

* Published in Gazette Extraordinary No. (23) dated 18th March, 1952

(*f*) "Jagirdar" includes a Guzarayab and a Hissedar as defined in clauses (*c*) and (*e*) respectively of section 2 of the Hyderabad (Abolition of Jagirs) Regulation, 1358 F ;

(*g*) "local authority" means a Municipal Committee, a District Board or other authortiy legally entitled to or entrusted by Government with control or management of a municipal or local fund;

(*h*) "prescribed" means prescribed by rules;

(*i*) "rule" means rule made under this Act;

(*j*) "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

(*k*) words and expressions used in this Act but not defined, have the meanings assigned to them in the Code of Civil procedure, 1908 (V of 1908), or the Land Revenue Act (Hyderabad Act VIII of 1317F.), as the case may be.

Savings.

3. Save as otherwise expressly provided, nothing in this Act shall affect the debts and liabilities of a debtor falling under the following heads named:—

(*i*) any revenue or tax payable to Government or any other sum due to it by way of loan or otherwise,

(*ii*) any tax payable to a Local authority or any other sum due to it by way of loan or otherwise,

(*iii*) any sum due to a co-operative society,

(*iv*) any sum due under a decree or order for maintenance passed by a competent Court, and

(*v*) any sum due to a scheduled bank.

CHAPTER II.

Constitution And Powers Of Board.

Constitution of the Board.

4. (1) The Government may, by notification in the Jarida from time to time establish one or more Boards for the settlement of debts or any class of debts and the notification shall specify the extent of the Jurisdiction of the Board or Boards so established.

(2) The Board shall consist of a Chairman and two other members.

(3) The Chairman and other members of the Board shall be appointed by Government and the Chairman shall posses such judicial qualifications as may be prescribed.

(4) The quorum of the Board shall be two except in respect of the final decision of the Board at which all the members shall be present.

(5) Where the Chairman and other members of the Board are not unanimous in their decision, the opinion of the majority shall prevail. If the decision of each of them on any point is different, the opinion of the Chairman on that point shall prevail.

(6) The Government shall by order direct which of the two members of the Board shall, in the absence of the Chairman, act as Chairman.

(7) No member of a Board who has directly or indirectly by himself or by his partner or near relation any share or interest in any transaction which is the subject-matter of any proceedings before the Board or any Jagirdar or any creditor of a Jagirdar or a professional money-lender shall act as a member of the Board in respect of such proceedings:

Provided that the proceedings of a Board shall not be called in question on the ground that a member has acted in contravention of this sub-section unless by reason of such contravention there has been a failure of justice.

Removal of Board or member.

5. (1) Notwithstanding anything contained in section (4), the Government may, after such enquiry as it thinks fit, at any time by notification in the Jarida—

(*a*) dissolve any Board and establish in its place a fresh Board; or

(*b*) remove all or any of the members of the Board and appoint in their place new members.

(2) The dissolution of a Board or the occurrence of any vacancy on the Board through death, resignation or removal of its members under clause (*b*) of sub-section

(1) shall not save to the extent, if any, directed by Government, in any way affect the validity of any proceeding pending before the Board and the said proceedings shall be continued before the said Board or before any other Board established in place of the said Board, as the case may be, as if there has been no dissolution of the board or the occurrence of any such vacancy.

(3) Save as otherwise provided in this Act, the proceedings pending before any Board which has been dissolved under the sub-section (1) and in place of which no other Board has been established shall be deemed to be civil proceedings for the purposes of the Indian Limitation Act, 1908, and the period during which such proceedings were pending before the Board shall be excluded in computing their period of limitation in regard to any suit or application which may be instituted in any civil court to enforce any claim which was the subject-matter of the proceedings pending before the Board so dissolved.

Power of Board to decide all questions arising on settlement of debts.

6. (1) Subject to the provisions of this Act, the Board shall have full power to decide all questions, whether of title or priority or of any nature whatsoever, and whether involving matters of law or fact, which may arise in any case within the cognizance of the Board or which the Board may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete settlement of debts in any such case.

(2) Subject to the provisions of this Act and notwithstanding anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes on all parties and all other persons claiming through or under such persons who are parties to the proceedings in which such decision is given.

Procedure before Board.

7. (1) Subject to the provisions of this Act and any rules made thereunder, the Board shall have the same powers as are vested in civil courts under the Code of Civil Procedure, 1908, when trying a suit and in particular in respect of the following matters:—

(*a*) joining any necessary or proper parties;

(*b*) summoning and enforcing the attendance of any persons and examining him on oath;

(*c*) compelling the production of documents;

(*d*) issuing commissions for the examination of witnesses ; and

(*e*) proof of facts by affidavits.

(2) Subject to the provisions of this Act and any rules made thereunder, the Board may direct any of its members to inspect any site or to examine any witnesses. On the inspection of such site by a member and the examination by him of witnesses, a report shall be made to the Board which shall be evidence in the case.

Proceedings deemed to be Judicial proceedings.

8. All proceedings under this Act before the Board shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code.

Control over Board.

9. (1) A Board shall in all proceedings under this Act be subject to the control of the High Court.

(2) The High Court or any person authorised by the High Court in this behalf may inspect or cause to be inspected any property, books or documents in possession of or under the control of the Board and require the Board to furnish such statements, accounts, reports, copies of documents or such other information relating to the proceedings and duties of the Board and may pass such orders thereon as the High Court or the person authorised, as the case may be, thinks it.

Power of Board to extend time.

10. Where any period is fixed or granted by the Board for the doing of any act prescribed or allowed by this Act, the Board may, in its discretion, from time to time, extend such period, even though the period originally fixed or granted may have expired.

CHAPTER III.

Procedure for Settlement of Debts.

Application for Settlement of debts.

11. (1) Any Jagirdar ordinarily residing in any part of the State of Hyderabad or his creditor may make an application to a Board of competent Jurisdiction on or before such date as the Government may notify in the Jarida for settlements of debts due by the Jagirdar.

(2) Every application made under sub-section (1) shall be in writing in the prescribed form and shall be signed, verified and presented in the prescribed manner.

(3) Notwithstanding anything contained in section 3 an application made under this section shall contain also the amounts and particulars of all debts specified in that section due by the debtor.

Every Creditor and debtor to file a true and correct statement before Board.

12. (1) Notwithstanding the fact that no application has been filed under section 11—

(*a*) every creditor, on being required to do so by notice in writing by any of his debtors, shall, within one month from the date of the receipt of such notice, file before the Board concerned a true and correct statement of all his claims against such debtor, and shall at the same time send a copy thereof to such debtor, and

(*b*) every debtor, on being required to do so by notice in writing by any of his creditors, shall, within one month from the date of the receipt of such notice, file before the Board a true and correct statement—

(*i*) of all the debts owed by such debtor ; and

(*ii*) of his income in the year preceding the date of the notice.

the debtor shall at the same time send a copy of such statement to such creditor :

Provided that the Board may, for sufficient cause, extend, from time to time, the period within which the creditors or the debtor, as the case may be, may file such statement.

(2) Every debtor or creditor giving a notice under sub-section (1) shall at the same time send a copy thereof to the Board concerned.

(3) In awarding the costs of any proceedings in respect of any application made under section 11 the Board may, on being satisfied that the statement required to be filed under sub-section (1) was, without sufficient cause, not filed within the time specified therein or within the extended period under the proviso to that sub-section or incorrectly filed, direct the party in default to bear the whole or any portion of the costs of such proceeding.

Application by debtor jointly and severally liable.

13. (1) If the payment of a debt due by a debtor is guaranteed by a surety or if a debtor is otherwise jointly and severally liable for any debt along with any other person and if the surety or such other person is not a debtor, the debtor may make an application under section 11 for relief in respect of such debt and the Board may after consideration of the facts and circumstances of the case proceed with the settlement of debts under this Act in so far as such applicant is concerned.

(2) Whenever the debts due by a debtor which are guaranteed by a surety are settled under sub-section (1), the surety shall be discharged from liability in respect of of the debts or portion of the debts of such debtor which are extinguished under sub-section (1) of section 22, sub-section (5) of section 30, section 38 or clause (2) of section 39 ; and the surety shall not be entitled to proceed against the debtor in respect of such debts or portion.

Assignees from non debtor not entitled to benefit of this Act.

14. No application shall lie under section 11 for settlement of any debts due from a debtor to whom such debt has been transferred or assigned after the 1st January, 1941 by any person who is not himself a debtor.

Application for recording settlement.

15. (1) If any debtor and any or all of his creditors arrive at a settlement in respect of any debt due by the debtor to the creditor, the debtor or any of the creditors may, within thirty days from the date of such settlement, make an application to the Board for recording such settlement.

(2) Every such application shall be in the prescribed form, and shall be signed and verified in the prescribed manner.

(3) On receipt of such application the Board shall, after giving notice to the creditor or the debtor, as the case may be, and after making such enquiry as it thinks fit, if it is satisfied that the settlement arrived at is *bona fide* and voluntary and is not made with intent to defeat or delay any of the creditors of the debtor, and is in the interest of the debtor, and that the debtor is a person who fulfils the conditions referred to in clauses (*a*) and (*b*) of sub-section (1) of section 24, record such settlement and certify the same. Every such settlement so recorded and certified shall be binding upon the parties thereto and shall not, save as otherwise hereinafter provided be reopened.

(4) After the Board has recorded and certified a settlement under sub-section (3), the Board shall call upon the debtor to make a declaration whether there are any other debts due by the debtor which are not included in the settlement. If the debtor makes a declaration that there are no such debts, the Board shall make an award in terms of such settlement.

(5) If the Board is satisfied, after recording such settlement, that there are other debts due from the debtor which are not included in the settlement the Board shall treat the application made under sub-section (1) as an application for settlement of debts under section 11.

Settlement during pendency of proceedings before Board or Court in appeal.

16. Notwithstanding anything contained in the preceding sections, if during the pendency of proceedings before the Board or the Court in appeal, as the case may be, a settlement is arrived at between a debtor and all his creditors and if such Board or Court is satisfied that the settlemet has been made by the debtor voluntarily and is for his benefit, such Board or Court may make an award in terms of such settlement.

Certain settlements to be void.

17. Every settlement by consent of a debt due from a debtor to any creditor, which is not certified by the Board under section 15, or in terms of which no award has been made under section 16, shall be void and shall not be recognised by any Court or Tribunal for any purpose whatsoever.

Application under section 11 or 15 to be made only in respect of debtor whose debts are not less than Rs. 5,000.

18. No application under section 11 or 15 shall be entertained by the Board on behalf of or in respect of any debtor, unless the total amount of debts due from him on the date of the application is not less than Rs. 5,000.

Withdrawal of applications.

19. An application for settlement of debts under section 11 or an application for recording a settlement under section 15 shall not be withdrawn without the leave of the Board.

Consolidation of applications.

20. Where two or more applications for settlement of debts under section 11 are presented by or against the same debtor, all such applications shall be consolidated. Where such separate applications are presented against joint debtors all such applications shall be heard together.

Service of notice on debtors and creditors to submit statement of debts.

21. On receipt of an application for settlement of debts, the Board shall—

(*a*) give notice to the debtor (unless the debtor is himself an applicant) and to every creditor (other than the creditor who is himself an applicant) whose name and address are given in the application, and

(*b*) publish a general notice, requiring the debtor and all creditors to submit a statement in the prescribed form within one month from the date of the service of the notice or the publication of the general notice, whichever is later:

Provided that if the Board is satisfied that the debtor or any other creditor is for good and sufficient cause unable to comply with the notice within the time specified therein it may extend the period for the submission of the statement.

Debts in respect of which no application for adjustment or settlement is made to be void.

22. (1) Every debt due from a debtor in respect of which no application has been made under section 11 within the period specified in the said section 11 or in respect of which no application for recording a settlement is made under section 15 within the period specified in the said section 15 or in respect of which an application made to the Board is withdrawn under section 19 and no fresh application is made under 11 and every debt due from such debtor in respect of which a statement is not submitted to the Board by the creditor in compliance with the provisions of section 21 shall be extinguished.

(2) Nothing contained in sub-section (1) shall apply –

(*a*) to any debt in respect of which the debtor and creditor agree in writing before the Board that the said sub-section shall not apply thereto, or

(*b*) to any debt due from any person who has by his declaration, act or omission intentionally caused or permitted his creditor to believe that he is not a debtor for the pur-posesof this Act or that no application under section 11 can be entertianed in respect of any debt owed by such person to such reditor by reason of the provisions of section 18.

Duties of debtors and creditors.

23. (1) Every debtor by or against whom an application is made under section 11 or who is a party to an application made under section 15 shall produce all books of accounts and shall give such inventories of his property and such lists of his creditor and debtors and of the debts due from and to him, submit to such examination in respect ot his property or his creditors, attend at such time before the Board and generally do all such things as may be required by the Board or as may be prescribed.

(2) It shall be the duty of every creditor to produce such books of accounts, to submit to such examination and to supply such information in respect of the debt due to him by the debtor and the securities held by him, as may be required by the Board or as may be prescribed.

Preliminary issues.

24. (1) On the date fixed for the hearing of an application made under section 11, the Board shall decide the following points as preliminary issues:—

(*a*) whether the person for the settlement of whose debts the application has been made is a debtor;

(*b*) whether the total amount of debts due from such person on the date of the application is or exceeds Rs. 5,000/—

(2) If the Board finds that snch person is not a debtor or that the total amount of debts due from such person on the date of the application is less than Rs. 5,000/– the Board shall dismiss the application forthwith.

Transfer of pending suits, appeals, applications and proceedings to the Board.

25. (1) All suits, appeals, applications for execution and proceedings other than revisional in respect of any debt pending in any civil or revenue court shall, if they involve the questions whether the person from whom such debt is due is a debtor and whether the total amount of debts due from him on the date of the application is less than Rs. 5,000 be transferred to the Board.

(2) When an application for adjustment of debts made to a Board under section 11 or a statement submitted to a Board under section 21 includes a debt in respect of which a suit, appeal application for execution or proceeding other than revisional is pending before a civil or revenue court, the Board shall give notice thereof to such

other court. On receipt of such notice, such other court shall transfer the suit, appeal, application or proceeding, as the case may be, to the Board.

(3) When any suit, appeal, application or proceeding is transfrred to the Board under sub-section (1) or sub-section (2), the Board shall proceed as if an application under section 11 had been made to it.

(4) If the Board, to which any suit, appeal, application or proceeding is transferred under sub-section (1) or sub-section (2, decides the preliminary issue mentioned in clause (*a*) of sub-section (1) of section 24 in the negative or the mentioned in clause (*b*) of the said sub-section (1) in the negative, it shall retransfer the suit, appeal, application or proceeding to the court from which it had been transferred to itself after the disposal and subject to the result of the appeal where an appeal is filed, and after the expiry of the period prescribed for an appeal where no appeal is filed.

(5) When any suit, appeal, application or proceeding is retransferred to the court under sub-section (4), the said court shall proceed with the same.

Taking of acconnts.

26. If the Board finds that the person making an application under section 11 or the person against whom an application is made under the said section 11 to be a person—

(*a*) who is a debtor, and

(*b*) the total amount of debts due from whom on the date of the application is not less than Rs. 5,000 the Board shall proceed to take accounts in the manner hereinafter provided.

Examination of creditor and debtor.

27. In an application for the settlement of debts if the amount of the creditor's claim is disputed the Board shall, when taking accounts, examine both the creditor and the debtor as witnesses, unless for reasons to be recorded the Board deems it unnecessary so to do.

Mode of taking accounts.

28. Notwithstanding any agreement between the parties or the persons (if any) through whom they claim, as to allowing compound interest or setting of the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account, and notwithstanding any statement or settle-

ment of account, or any contract purporting to close previous dealings and create a new obligation, the board shall enquire into the history and merits of the case and take account between the parties from the commencement of the transactions subsisting between the parties and the persons (if any) through whom they claim, out of which the claim has arisen and determine the amount due to each of the creditors at the date of the application made under section 11, according to the following rules, namely :—

(1) (*a*) Separate accounts of principal and interest shall be taken.

(*b*) In the account of principal there shall be debited to the debtor only such amount whether paid in cash or kind as may from time to time have been actually received by him or on his account from the creditor.

(*c*) In the accounts of principal and interest there shall also be debited the amount, if any, respectively due for Principal (including costs) and interest under any decree or order passed by a competent court in respect of any debt :

Provided that if such decree or order does not specify the amount of principal and interest separately or does not contain any material for determining the same two-third and one-third of the amount awarded by such decree or order shall for purposes of this clause, be deemed to be the amount awarded on account of principal (including costs) and interest, respectively.

(2) In the case of transactions which commenced before the 1st January 1934 the Board shall take the account up to the date of the institution of the application and in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being ontstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties, or at a rate not exceeding 12 per cent. per annum whichever is the lowest. The amount found due in respect of principal as well as in respect of interest shall, each separately, be reduced to such extent not exceeding 40 per cent. as to the Board, having regard to all the circumstances of the case,

appears fair and reasonable, notwithstanding that a decree or order of a civil court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(3) In the case of transactions which commenced on or after the 1st January 1934 but before the 1st January 1943 in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties, or at a rate not exceeding 9 per cent. per annum, whichever is the lowest. The amount found due on the date of the institution of the application in respect of principal as well as interest shall each separately be reduced to such extent not exceeding 30 per cent. as to the Board, having regard to all the circumstances of the case appears fair and reasonable, notwithstanding that a decree or order of a civil court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(4) In the case of transactions which commenced on or after the 1st January 1943, in the account of interest there shall be debited to the debtor simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties, or at a rate not exceeding 6 per cent. per annum whichever is the lowest.

(5) All money paid by or on account of the debtor to the creditor or on his account and all profits services or other advantages of every description received by the creditor in the course of the transactions (estimated, if necessary, at such money value as the Board in its discretion may determine) shall be credited first in the account of interest, and when any payment is more than sufficient to discharge the balance of interest due at the rate specified in sub-sections (2), (3) or (4) as the case may be the residue of such payment shall be credited to the debtor in the account of principal.

(6) The accounts of principal and interest shall be made up to the date of the institution of the application, and the aggregate of the balance, if any, appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest account exceeds that appearing on the principal account, in which case double the latter balance shall be deemed to be the amount then due:

Provided that where transactions between the parties have commenced more than 30 years before the 30th January 1943, any settlement of accounts which has been last arrived at between the parties before the said period of 30 years and which is in writing and bears the signature of the debtor or the person through whom the liability is derived shall be accepted as binding between the parties and no enquiry into the history and merits of the case shall be made prior to the date of such settlement.

In certain cases rent may be charged in lieu of profits.

29. Where any mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor and the Board is unable to determine what profits have actually been received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purpose of section 28.

Notice to Jagir Administrator, Co-operative Societies, Registerar, Local authorities and others.

30. (1) On receipt of an application for settlement of debts, the Board shall give notice to the Jagir Administrator requiring him to state to the Board within such time as may be fixed by it the amount of the debt due by the debtor to Government.

(2) The Board shall also give similar notice to any local authority, Co-operative society or scheduled bank to which any debt may be due by the debtor and also to any person who is entitled to maintenance from the debtor, under a decree or order passed by a competent court. In the case of any debt due to a co-operative society, the Board shall also give notice to the Registrar of Co-operative Societies or to such officer as the Registrar may nominate in this behalf.

(3) On receipt of such notice, the Jagir Administrator, the local authority, the co-operative society or the scheduled bank, or the person entitled to maintenance,

as the case may be, shall, within such time as may, from time to time, be fixed by the Board, submit a statement to the Board showing the total amount of the debt due by the debtor as also any recurring liability against such debtor in respect of the liability for maintenance under the decree or order.

(4) The Jagir Administrator, the Co-operative Society and the scheduled bank shall also furnish a statement to the Board showing the amount of remission which the Government, the Co-operative society or the scheduled bank, as the case may be, is willing to give in respect of the debt.

(5) The portion of any debt remitted under sub-section (4), and unless the Board otherwise directs any debt other than a debt due to Government or portion thereof in respect of which no statement is submitted under sub-section (3), shall be extinguished.

Board's duty to determine particulars, value, etc. of property.

31. After taking accounts under section 28 the Board shall in the manner hereinafter provided determine—

(1) the particulars of the property belonging to the debtor,

(2) the value of the said property,

(3) the particulars of any encumbrances on the said property, and

(4) the paying capacity of the debtor.

Fraudulent alienations or encumbrances void.

32. (1) If in the course of the hearing of an application under section 11, the Board finds that the debtor has made an alienation of property or created any encumbrances thereon with intent to defeat or delay any of his creditors, the Board shall, by notice, summon the debtor and the person in whose favour the alienation or encumbrance is made or created to appear before it on a day to be specified in the notice.

(2) On the day specified in the notice or such other day to which the hearing may be adjourned the Board shall hear the parties and if it is satisfied that the alienation was made or the encumbrance was created with intent to defeat or delay any of the creditors of the debtors, the Board shall declare the alienation or encumbrance to be void.

(3) Nothing in this section shall impair the rights of an alienee or the holder of an encumbrance in good faith and for valuable consideration.

Value of property of debtor to be determined by Board in prescribed manner.

33. (1) Subject to the provisions of sub-sections (2), (3) and (4), the value of the property and other assets of a debtor for the purposes of ascertaining the paying capacity of the bebtor under section 31 shall be determined by the Board in the prescribed manner.

(2) The property or assets which are exempt from attachment in execution of a decree of a civil court under the Code of Civil Procedure, 1908, shall not be taken into account.

(3) The amount of the debts mentioned in section 3 shall be deducted.

(4) The market value of the lands, which under any law for the time being in force, are not transferable or alienable except with the previous sanction of the Collector or the Government, shall be calculated in such manner as may be prescribed.

Paying capacity.

34. The paying capacity of the debtor shall, for the purposes of this Act, be deemed to be sixty per cent. of the value of all the property of the debtor:

Provided that when any portion of such property yields income but the market value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalized at six per cent. per annum.

Debts payable by debtors to be scaled down.

35. (1) Notwithstanding any law custom, contract, award or decree of a Court to the contrary the amounts found due under section 28 from a debtor shall be further scaled down in the manner hereinafter provided.

(2) If all the debts found due by a debtor after taking accounts under section 28 are unsecured, such debt shall be further scaled down *pro rata* to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under section 28 are unsecured, such the total amount of such debts is more than sixty per cent. of the value of the property belonging to the debtor, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under section 28 are both secured and unsecured, and if the total amount of the secured debts is more than sixty per cent. of the value of the property on which such debts are secured, the secured debts shall be further scaled down *pro rata* to sixty per cent. of the value of the property on which debts are secured and the unsecured debts shall be further scaled down *pro rata* to sixty per cent. of the value of the other property belonging to the debtor over which no debts are secured.

Award.

36. (1) After determining the amount or debts scaled down in the manner provided section 35 the Board shall, save as otherwise provided in section 37 make an award.

(2) The award shall be in the prescribed form and shall be drawn up subject to the following provisions:

(*i*) the amount of the secured debts scaled down shall be charged on the properties on which they may have been secured;

(*ii*) subject to clause (*i*) the amount of unsecured debts shall be charged on all the properties of the debtor;

(*iii*) in fixing the priority in which debts shall be paid the following order shall be followed:—

(*a*) debts due to Government which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's land revenue,

(*b*) debts due to local authorities, which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's dues,

(*c*) secured debts in order of priority,

(*d*) debts due to Government, local authorities and other bodies including co-operative societies, and recoverable as arrears of land revenue,

(*e*) other debts due to co-operative societies,

(*f*) unsecured debts:

Provided that in the case of unsecured debts they shall be paid *pro rata*;

(*iv*) the total annual instalments shall not exceed twenty:

Provided that in fixing the amount of instalments in which the debts shall be paid the Board shall ascertain the net annual income of the debtor and the annual instalments payable by the debtor shall not exceed his net annual income.

Explanation:— For the purposes of this clause, the net annual income of the debtor shall mean the balance of his annual income after deducting (*i*) such sum as may be considered necessary for the payment of the liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent court, (*ii*) such sum as may be considered necessary for the maintenance of the debtor and his dependents, and (*iii*) the sum required by the debtor to pay the assessment and taxes in respect of the current year to Government and to local authorites;

(*v*) the Board may pass an order for the delivery of possession of any property notwithstanding any law or contract to the contrary;

(*vi*) the rate of interest shall not exceed 6 per cent. per annum or such less rate as may be notified in this behalf by the Government or the rate agreed upon between the parties when the debt was originally incurred or the rate allowed by the decree in respect of such debt whichever is the lowest.

Procedure for further scaling down of debts.

37. Where the amount of debts of the debtor as scaled down under section 35 exceeds half the value of the debtor's immovable property as determined by the Board, the Board shall intimate to the creditors the amount of the said debts of the debtor and the said value of the debtor's immovable property and call upon them to state in writing within a specified period not exceeding one month whether they agree to the further scaling down of the said debts so as to reduce them to a sum not exceeding half the said value of the immovable property of the debtor. If all the creditors agree to the further scaling down of the debts, the Board shall make an award directing the debtor to pay the amount of such debts so agreed upon within a period of one month from the date of the award.

No recovery of amount in excess of debts scaled down.

38. The amount of debts scaled down under section 35 or further scaled down under section 37 shall for the purposes of this Act be the amount due by the debtor in respect of the said debts and the portion of the debts in excess of this amount shall be extinguished.

Debts not to be scaled down in case of collusion.

39. If the Board making an award under section 36 is at any stage of the proceeding satisfied—

(1) that the debtor had in collusion with any creditor furnished in such proceeding incorrect information in respect of the debt due by him to such creditor with a view to defeat the lawful claims of any other creditor, the Board may refuse to scale down any of the debts of such debtor in the manner provided in section 35 and may make an award for the full amount of the debts due from such debtor;

(2) that any claim by a creditor in such proceeding had been put forward in collusion between the debtor and such creditor with a view to defeat the lawful claims of any other creditor, the Board shall order that the debt due by the debtor to such creditor shall be extinguished and such debt shall not be recoverable.

Ex parte proceedings if any party does not appear.

40. (1) Notwithstanding that the person for the settlement of whose debts an application has been made under section 11 or any of his creditors does not appear on the date fixed for the hearing of the application or on any date to which it may be adjourned, the Board shall proceed *ex parte* to hear the application, beside the preliminary issues and, if necessary, make the award, on the evidence available.

(2) When an application made under section 11 is heard and disposed of *ex parte* under sub-section (1) the decision on the preliminary issues or the award shall not except for sufficient reasons, be reopened merely on the ground that any of the parties thereto did not appear at the hearing.

Reopening of award and re-settlement of debts.

41. If, after an award is made under section 36, the Board finds on an application made to it by any party or otherwise, that the debtor has other property which was not disclosed to the Board when the award was made, or that any property included in the award did not belong to the debtor,

the Board may, notwithstanding anything contained in this Act, reopen the award and resettle the debts in accordance with the provisions of this Act :

Provided that where the Board is satisfied that the non-disclosure of such property was in consequence of any fraud on the part of the debtor, the Board revising the award shall not give the debtor the benefit of section 35.

Award to be registered ; how to be executed.

42. (1) Every award made under this Act shall, on payment of the court-fee payable under section 49, be registered under the Indian Registration Act, 1908, after the expiry of the period provided for an appeal, if an appeal is allowed but no appeal is filed and after the disposal of the appeal if an appeal is filed.

(2) The court-fee on the award shall be paid by the party ordered by the Board to bear the costs :

Provided that any creditor who is not ordered to bear the costs may pay such court-fee. Such creditor shall be entitled to recover the amount of court-fee paid by him from the debtor with the first instalment payable to him under the award :

Provided further that no court-fee shall be payable by a co-operative society.

(3) The award so registered shall be executed as follows :—

(*i*) If the debtor makes default in the payment of any instalment due under the award to any creditor such creditor may apply in the prescribed form to the Board for execution of the award.

(*ii*) If the Board on receipt of such application is satisfied that the debtor has made default in the payment of the instalment the Board shall transfer the award for execution to the Collector and thereupon the Collector shall recover the amount of the instalment from the debtor as arrears of land revenue :

Provided that nothing in this sub-section shall affect the right of Government, a local authority or a co-operative society to have recourse to any mode of recovery allowable by any law for the time being in force.

Postponement of payment of instalment.

43. The Government may at any time on the ground of serious hardship to the debtor, if such hardship arose after the date of an award made under section 15, 16, 36 or 37 postpone by any period not exceeding one year, the payment of any instalment or instalments due under the award.

No alienation by debtor before discharge of debts valid.

44. Notwithstanding any law or contract but subject to the provisions of section 45 no alienation of any property belonging to a debtor who is a party to any proceedings or award under this Act, made by him before all his debt are discharged shall be valid, except with the previous sanction of the Government.

Board may order sale of debtor's property in liquidation of his debt.

45. If the Board or the Court hearing an appeal against the award is at any time satisfied that it is in the interest of a debtor that any part of his property should be sold in liquidation of his debt or part thereof such Board or Court may permit the debtor to sell such part of the property for such purpose within a specified period. If the debtor fails to sell it, such Board or Court may order an officer of the Board or Court to sell the same. The property ordered to be sold under this section shall be sold by such officer in the manner prescribed:

Provided that the part of the property ordered to be sold under this section shall not exceed the part liable to be sold under sub-section (2) of section 52.

Pleaders, etc., excluded from appearance.

46. Except in proceedings under section 32 no pleader shall be entitled to appear on behalf of any party in any proceeding before the Board or the Court in appeal under this Act:

Provided that if the Board after examining the parties to any proceeding before it or the Court in appeal is of opinion that any of the parties is not sufficiently competent to represent his case and that in the interest of justice it is necessary to allow such party the assistance of any pleader, it may allow the parties to be represented at their own cost by a pleader:

Provided further that pleader's fees shall not be allowed as part of the costs for the appearance of a pleader in any proceedings under this Act.

Appeals.

47. Notwithstanding anything contained in any other law and save as otherwise provided in section 55,

(1) an appeal shall lie—

(i) from every order passed under sub-section (3) of section 15 ;

(*ii*) from every order passed under section 24 ;

(*iii*) from every order passed under section 32 ;

(*iv*) from every order passed under sub-section (2) of section 40 ;

(*v*) from every award made under this Act other than an award made in terms of a settlement under sub-section (4) of section 15 or under section 16 or section 37 or an award before the making of which neither the debtor nor any of the creditors produced evidence to enable the Board to determine the amount of debt due from the debtor ;

(2) an appeal from the Board shall lie to the High Court and such appeal shall be filed within 60 days of the decision or award of the Board computed in the manner prescribed in the Indian Limitation Act, 1908, so far as applicable ;

(3) no second appeal shall lie against any decision, order or award of the Board under this Act.

Grounds of appeal.

48. No decision or award of the Board shall be modified or set aside in appeal, except on any of the following grounds :—

(*a*) such decision or award was improperly procured,

(*b*) corruption or misconduct of the Board or any member thereof, in the conduct of the proceedings relating to such decision or award,

(*c*) any illegality or irregularity in the proceedings relating to such decision or award, which has occasioned failure of justice,

(*d*) any error of law or erroneous appreciation of evidence which has occasioned failure of justice,

Court-fees.

49. (1) Notwithstanding anyting contained in the Hyderabad Court Fees Act, court-fees payable in respect of proceedings under this Act, shall be at the following rates:—

(*i*) on an application under sub-section (1) of section 11 or section 15 or on an award under sub-section (4) of section 15 or section 16—Re. 1;

(*ii*) on an award other than an award specified in clause (*iii*)—Re. 1 for every hundred rupees, or part thereof, of the amount of the award, subject to a maximum of Rs. 50;

(*iii*) on an appeal against a decision of the Board under sub-section (3) of section 15 or sub-section (2) of section 24 Rs. 2;

(*iv*) on an appeal other than an appeal specified in clause (*iii*)—Re. 1 for every hundred rupees, or part thereof, of the amount of the award, subject to a maximum of Rs. 50.

(2) Notwithstanding anything contained in any law, the court-fees payable in the respect of proceedings under this Act shall be a first charge on the property of the party ordered to pay the costs and shall be recoverable in such manner as may be prescribed.

Notice how served.

50. Any notice required to be served under this Act shall be served in the manner provided in the Code of Civil Procedure, 1908; and when rules are made in that behalf in such manner as may be prescribed.

Provisions of Civil Procedure Code to apply to proceedings.

51. Save as otherwise expressly provided in this Act, the provisions of the Code of Civil Procedure, 1903, shall apply to all proceedings under this Chapter.

CHAPTER IV.

Insolvency Proceedings.

Board to declare debtor insolvent in certain circumstances.

52. (1) If an any stage of the proceedings under Chapter III the Board finds that income of the debtor and his movable property are not sufficient to allow his debts to be liquidated by annual instalments not exceeding twenty in number, the Board shall make an order adjudicating the debtor an insolvent.

(2) After the debtor has been adjudicated an insolvent, the Board shall direct that such portion of the property of the debtor, liable to attachment and sale under section 60 of the Code of Civil Procedure, 1908, excluding such portion thereof as the Government shall from time to time notify in the Jarida as minimum necessary for the maintenance of the debtor and his dependents, as may be required to liquidate all the debts of the debtors shall immediately be sold free of all incumbrances in liquidation of all debts outstanding against such debtor.

Procedure in insolvency proceedings.

53. The order of adjudication made under section 52 shall have the force of an order made by a competent Court in the exercise of its powers under the Hyderabad Insolvency Act.

Distribution of assets of insolvent.

54. The proceeds realised by the sale of the property of the insolvent under section 52 shall be distributed in the order of priority specified in clause (*iii*) of subsection (2) of section 36.

Bar to application in insolvency in other Courts.

55. No application or proceeding in regard to the insolvency of a debtor shall lie in or shall be dealt with otherwise than by the Board or where an appeal lies by the Court of appeal.

Appeals barred.

56. No appeal shall lie from any order passed under this Chapter except on the ground that the insolvent has failed to disclose all the material facts relating to his assets and liabilities.

CHAPTER V.

MISCELLANEOUS.

Period of proceedings before Board under this Act to be excluded.

57. In computing the period of limitation for the institution of any suit or proceeding in respect of any debt due from any person who is held not to be a debtor by the Board or the Court in appeal the period during which the proceedings were pending before the Board or Court in appeal in respect of such debt shall be excluded.

Alienation of property before repayment of loan prohibited.

58. (1) Save as otherwise provided in this Act no person who is a party to any proceedings or award under this Act and who is indebted to any person authorised to advance loans under section 59 shall mortgage, hypothecate or sell his property without the previous sanction of such person until such loan has been repaid in full.

(2) Any person who mortgages, hypothecates or sells any property in contravention of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both.

(3) No Criminal Court shall take cognizance of any offence under this section except on the complaint in writing of the Board or Court before which the proceedings were held or which made the award.

Power of Government to authorise any person to advance loans to debtors.

59. (1) The Government may by notification in the Jarida authorise in any local area any person to advance loans to debtors who are parties to any proceedings under this Act or in respect of whose debts a settlement has been made under this act.

(2) Such authority shall be granted on such conditions as may be prescribed.

Rules.

60. (1) The Government may by notification in the Jarida and subject to the condition of previous publication from time to time make rules for carrying into effect the purposes of this Act.,

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely:—

(*a*) the form of application under sub-section (2) of section 11 and the manner of signing, verification and presentation thereof;

(*b*) the form of application and the manner of signing and verification thereof under sub-section (2) and the manner of giving notice under sub-section (3) of section 15;

(*c*) the manner of giving notice and publication of general notice and the form of statement to be submitted under section 21;

(*d*) the inventories of property, lists of creditors and of debtors and of debts due to and from a debtor, the examination in respect of property of creditors, the time at which the debtors shall attend before the Board and do other things in relation to property under sub-section (1) of section 23, and the production of books of account, the examination to be submitted to, and the information to

be supplied by a creditor in respect of the debt due to him by the debtor under sub-section (2) of section 23;

(*e*) the manner of determining the value of property and other assets under sub-section (1) and the manner of calculating the market value of the lands under sub-section (4) of section 33;

(*f*) the form of award under sub-section (2) of section 36 and under section 37;

(*g*) the form of application under clause (*i*) of sub-section (3) of section 42;

(*h*) the manner in which property may be sold under section 45;

(*i*) the manner of recovery of court-fees under sub-section (2) of section 49;

(*j*) the manner of service of notice under section 50;

(*k*) the conditions of on which authority to grant loan shall be granted under sub-section (2) of section 59;

(*l*) any other matter which may be prescribed under this Act.

Operation of Act of 1349 F., excluded from debts to which the present Act applies.

61. No debts or liabilities to which this Act applies shall be dealt with or form the subject matter of any proceedings under the Debt Conciliation Act, 1349 Fasli.

THE HYDERABAD STATE APPROPRIATION (VOTE ON ACCOUNT) ACT, No. XIV OF 1952.

CONTENTS.

SECTIONS.

1. Short title.

2. Withdrawal of certain sums from and out of the Consolidated Fund of the State.

3. Appropriation.
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*THE HYDERABAD STATE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952

No. XIV OF 1952.

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year beginning on the 1st day of April, 1952.

WHEREAS it is expedient to withdraw certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year beginning on the 1st day of April, 1952.

IT is hereby enacted as follows :—

Short title.

1. This act may be called the Hyderabad State Appropriation (Vote on Account) Act, 1952.

Withdrawl of certain sums from and out of the Consolidated Fund of the State.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be withdrawn sums not exceeding those specified in column 4 of the Schedule amounting in the aggregate to the sum of rupees eighteen crores eighty-five lakhs and thirty-six thousand towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April, 1952.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE.

(SEE SECTIONS 2 & 3)

Srl. No.	Services & purposes	Heads of Accounts	SUMS NOT EXCEEDING		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
1	Land Revenue ...	7-Land Revenue	40,80,000	...	40,80,000
2	State Excise Duties ...	8-State Excise Duties	26,10,000	...	26,10,000

*Published in Gazette Extraordinary No. (37), dated 31st March, 1952.

SCHEDULE—(*Contd.*)

Srl. No.	Services & purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
3	Stamps	9-Stamps ...	95,000	...	95,000
4	Forest	10-Forest ...	8,79,000	...	8,79,000
5	Registration ...	11-Registration ...	1,23,000	...	1,23,000
6	Charges on account of Motor Vehicles Acts	12-Charges on account of Motor Vehicles Acts ...	4,00,000	...	4,00,000
7	Other Taxes & Duties	13-Other Taxes & Duties ...	14,28,000	...	14,28,000
8	Other Revenue Expenditure financed from Ordinary Revenues: Irrigation Works: (1) Works for which no Capital accounts are kept ...	18-Other Revenue Expenditure financed from Ordinary Revenues: Irrigation Works: (1) Works for which no Capital Accounts are kept ...	17,61,000	...	17,61,000
9	Interest on Debt and other obligation ...	22-Interest on Debt and other obligations	...	27,07,000	27,07,000
10	Appropriation for reduction or avoidance of Debt ...	23-Appropriation for reduction or avoidance of Debt ...	...	1,48,97,000	1,48,97,000
11	General Administration ...	25-General Administration	23,91,000	91,000	24,82,000
12	Administration of Justice ...	27-Administration of Justice	12,50,000	2,42,000	14,92,000
13	Jails & Convict Settlements ...	28-Jails & Convict Settlements ...	9,17,000	...	9,17,000
14	Police ...	29-Police ...	1,63,09,000	...	1,63,09,000
15	Scientific Departments ...	36-Scientific Departments ...	2,21,000	...	2,21,000
16	Education ...	37-Education ...	1,26,33,000	...	1,26,33,000
17	Medical ...	38-Medical ...	30,02,000	...	30,02,000
18	Public Health ...	39-Public Health	15,11,000	...	12,15,000
19	Agriculture ...	40-Agriculture ...	21,91,000	...	21,91,000
20	Veterinary ...	41-Veterinary ..	4,94,000	...	4,94,000
21	Co-operation ...	42-Co-operation ...	5,85,000	....	5,85,000
22	Industries & Supplies	43-Industries & Supplies ...	5,63,000	...	5,63,000
23	Miscellaneous Departments ...	47-Miscellaneous Departments ...	22,92,000	...	22,92,000
24	Civil Works ...	50-CivilWorks ...	57,33,000	...	57,33,000
25	Other Revenue Expenditure connected Electricity Schemes ...	52-A-Other Revenue Expenditure connected with Electricity Schemes	6,000	...	6,000

SCHEDULE—(*Contd.*)

Srl. No.	Services & purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
26	Territorial & Political Pensions ...	54-A-Territorial & Political Pensions ...	6,78,000	...	6,78,000
27	Superannuation Allowances & Pensions ...	55-Superannuation Allowances & Pensions ...	60,19,000	1,06,000	61,25,000
28	Stationery & Printing ...	56-Stationery & Printing ...	9,04,000	...	9,04,000
29	Miscellaneous ...	57-Miscellaneous ...	13,55,000	53,63,000	67,18,000
	Total Expenditure on (including Revenue Expenditure within	Revenue Account Expenditure & Capital Revenue Account)	7,04,30,000	2,34,06,000	9,38,36,000
30	Irrigation ...	68-Construction of Irrigation works, etc.	1,28,49,000	...	1,28,49,000
31	Public Health ...	70-Capital Outlay on Improvement of Public Health ...	7,34,000	...	7,34,000
32	Multi-purpose River Schemes ...	80-A-Capital Outlay on Multipurpose River Schemes ...	31,02,000	...	31,02,000
33	Civil Works ...	81-Capital Account of Civil Works outside the Revenue Account ...	21,34,000	...	21,34,000
34	Electricity Schemes ...	81-A-Capital Outlay on Electricity Schemes ...	17,01,000	...	17,01,000
35	Road Transport Department ...	82-B-Capital Outlay on Road Transport Schemes ...	12,50,000	...	12,50,000
36	Payments of commuted value of pensions ...	83-Payments of com. muted value of pensions ...	1,25,000	...	1,25,000
37	State Schemes connected with State Trading ...	85-A-State Schemes connected with State Traing ...	3,13,62,000	...	3,13,62,000
	Total Capital Expenditure outside the Revenue Account	... ...	5,32,57,000	...	5,32,57,000
38	State Road Fund ...	State Road Fund ...	50,000	...	50,000
39	Loans & Advances by State Government	Loans & Advances by State Government	4,13,93,000	...	4,13,93,000
	Total Disbursements	under Debt Heads ...	4,14,43,000	...	4,14,43,000
		GRAND TOTAL ...	16,51,30,000	2,34,06,000	18,85,36,000

THE HYDERABAD CO-OPERATIVE SOCIETIES ACT, No. XVI OF 1952.

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68. Powers to exempt Societies from conditions as to registration.

69. Powers to exempt registered Societies from provisions of this Act.

70. Indian Companies Act of 1913 not to apply.

71. Rules.

72. Repeal and savings.

*THE HYDERABAD CO-OPERATIVE SOCIETIES ACT, 1952.

No. XVI OF 1952.

Whereas it is expedient to amend the law relating to Co-operative societies in the Hyderabad State so as to make better provision for such societies;

It is hereby enacted as follows :—

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Co-operative Societies Act, 1952.

(2) It extends to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "bye-laws" means bye-laws registered or deemed to be registered under this Act and includes a registered amendment of such bye-laws;

(*b*) "dividend" means a share of the profits of a registered society divided among its members in proportion to the share capital held by them;

(*c*) "general body" means—

(*i*) in relation to a registered society whose bye-laws contain provision in the sense authorised by sub-section (4) of section 7, the body elected by prescribed constituencies of members of the society;

(*ii*) in relation to any other registered society, all the members of the society;

(*d*) "general meeting" means a meeting of the general body of the registered society;

(*e*) "Managing Committee" means the governing body to whom the management of the affairs of a registered society is entrusted;

*Published in Gazette Extraordinary No. 50, dated 10th April, 1952.

(*f*) "member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the rules or bye-laws;

(*g*) "officer" includes a President, Vice-President, Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, member of the Managing Committee or other person empowered under the rules or bye-laws, to give directions in regard to the business of the society;

(*h*) "prescribed" means prescribed by rules;

(*i*) "rebate" means a share of the profits of a registered society divided among its members in proportion to the volume of business done with the society by them from which the profits of the society were derived;

(*j*) "registered society" means a society registered or deemed to be registered under this Act;

(*k*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;

(*l*) "rules" means rules made under this Act.

REGISTRATION.

Registrar.

3. The Government may appoint a person to be Registrar of Co-operative Societies for the Hyderabad State or any portion thereof, and may appoint persons to assist such Registrar and may, by general or special order, confer on any such person all or any of the powers of a Registrar under this Act.

Societies which may be registered with limited or unlimited liability

4. (1) Subject to the provisions hereinafter contained, a society which has as its object the promotion of the common interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society may be registered under this Act with or without limited liability:

Provided that, unless the Government by general or special order otherwise directs—

(*a*) the liability of a society of which a member is a registered society shall be limited;

(*b*) the liability of a society of which the primary object is the creation of funds to be lent to its members and of which the majority of the members are agriculturists and belong to the same village and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all obligations of such society.

(2) At the time of registration of a society the Registrar shall, subject to the proviso to sub-section (1), decide whether its liability shall be limited or unlimited and his decision shall, subject to section 12, be final.

Conditions of Registration.

5. (1) No society, other than a society of which a member is a registered society, shall be registered under this Act which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons reside in the same town or village or in the same group of villages.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

(3) The word "co-operative" or its equivalent in the language in which the bye-laws are submitted for registration shall form part of the name of every society registered under this Act.

Registrar to decide certain questions.

6. When any question arises—

(*i*) whether a person is an agriculturist, or

(*ii*) whether any person is a resident in a town or group of villages, or

(*iii*) whether two or more villages shall be considered to form a group,

such question shall, for the purposes of this Act, be decided by the Registrar, whose decision shall be final, and shall not be called in question in any legal proceedings.

Application for Registration.

7. (1) A society desiring to be registered shall apply to the Registrar in the prescribed form.

(2) The application shall be signed—

(*a*) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of sub-section (1) of section 5, and

(*b*) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society, and where all the members of the society are not registered societies, by ten other members or when there are less than ten other members by all of them.

(3) The application shall be accompanied by a copy of the proposed bye-laws of the society and the persons by whom or on whose behalf such application is made, shall furnish such information in regard to the society as the Registrar may require.

(4) In the case of a society with an extensive membership or a wide geographical distribution, the proposed bye-laws may provide that the general body of the society shall be a body elected by prescribed constituencies comprising in the aggregate all the members of the society.

Registration.

8. If the Registrar is satisfied, after such enquiry as may be prescribed, that a society has complied with the provisions of this Act and the rules and that its proposed bye-laws are not contrary to this Act or to the rules, he may, if he thinks fit, register the society and its bye-laws.

Evidence of registration.

9. A certificate of registration signed by the Registrar shall be conclusive evidence that the society mentioned therein is duly registered, unless it is proved that the registration of the society has been cancelled.

Amendment of the bye-laws of a registered society.

10. (1) No amendment of the bye-laws of a registered society, whether by way of cancellation, addition or alteration shall be valid until it is approved by a resolution of a General Meeting and registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that an amendment of the bye-laws is not contrary to this Act or to the rules, he may register the amendment.

(3) When an amendment is registered under sub-section (2) the Registrar shall forward to the society a certified copy of such amendment which shall be conclusive evidence that the same is duly registered.

(4) If it appears to the Registrar that an amendment of the bye-laws of a registered society is necessary or desirable in the interest of such society, he may call upon the society in the manner prescribed to make the amendment within such time as he may specify.

(5) If the society fails to make the amendment within the time specified, the registrar may, after giving the society an opportunity of being heard, register such amendment and forward to the society, in the manner prescribed, a copy of the amendment together with a certificate signed by him which shall be conclusive evidence that the amendment has been registered; and such amendment shall thereupon be binding on the society and its members.

(6) The society may within one month from the date of receipt by it of the copy and certificate referred to in sub-section (5) appeal to Government against the registration of the amendment.

Change of name and affect.

11. A society may, by a resolution of a General Meeting and with the approval of the Registrar, change its name but such change shall not affect any right or obligation of the society or of any of its members or past members and any legal proceedings pending may be continued by or against the society under its new name.

Change of liability.

12. (1) Subject to the prescribed conditions, a registered society, may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited:

Provided that—

(*i*) the society shall give notice in writing of its intention to change its liability to all its members and creditors;

(*ii*) any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be, within three months of the service of such notice on him and the change shall not take effect untill all such claims have been satisfied; and

(*iii*) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1), the change shall take effect at once if all the members and creditors assent thereto.

Division of Societies.

13. (1) Any registered society may, at a General Meeting specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this section referred to as the priliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and may prescribe the area of operations of, and specify the members who will constitute, each of the new societies.

(2) (*i*) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(*ii*) Any member of the society may, notwithstanding any bye-law to the contrary, by notice given to the society within a period of three months from the receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(*iii*) Any creditor of the society, may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a General Meeting of the society, of which at least fifteen clear days' notice shall be given to its members, shall be convened for considering the preliminary resolution. If, at such meeting, the

preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as in the opinion of the Registrar, are not material, he may, subject to the provisions of sub-section (5) and of section 8, register the new societies and the bye-laws thereof. On such registration the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie there from.

(4) At the meeting referred to in sub-section (3) provision shall be made by another resolution for;

(i) the repayment of the share capital of all the members who have given notice under clause (ii) of sub-section (2); and

(ii) the satisfaction of the claims of all the creditors who have given notice under clause (iii) of sub-section (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in sub-section (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in sub-section (4) is not repaid or the claims of the creditors referred to in that sub-section are not satisfied, the Registrar may refuse to register the new socities.

(6) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under sub-section (3).

Amalgamation of Societies.

14. (1) Two or more registered societies may, at General Meetings of the respective societies specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this section referred to as the preliminary resolution.

(2) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any bye-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may subject to the provisions of sub-section (5) and of section 8 register the new society and the bye-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrars as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(4) At the joint meeting referred to in sub-section (3) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under clause (ii) of sub-section (2): and

(ii) the satisfaction of the claims of all the creditors who have given notice under clause (iii) of sub-section section (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confined as provided in sub-section (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in sub-section (4) is not repaid or the claims of the creditors referred to in that sub-section are not satisfied, the Registrar may refuse to register the new society.

(6) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Members not to exercise rights till due payment is made; questions regarding membership to be decided by Registrar.

15. (1) No member of a registered society shall exercise the rights of a member unless he has made such payment to the society in respect of membership or acquired such interests in the society as may be prescribed or as may be required by the bye-laws.

Restriction of membership in society.

(2) If any question arises in relation to any provision of this Act whether a person is or has been a member of a registered society, the question shall be decided by the Registrar whose decision shall be final.

Restriction of purchase of shares of a society with limited liability.

16. Except with the sanction of the Registrar no person shall be a member of more than one registered society whose primary object is to grant loans to its members.

17. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

(a) hold more than one-fifth of the share capital of the society, or such smaller fraction thereof as may be prescribed; or

(b) hold or claim any interest in the shares of the society exceeding Rs. 5,000:

Provided that Government may, by notification in the Jarida, exempt the members of any specified society from the restriction imposed by clause (b).

Votes of members.

18. (1) Whether or not, the liability of the members of the society is limited by shares, no member of any registered society shall have more than one vote in the affairs of the society:

Provided that in the case of an equality of votes the Chairman shall have a casting vote:

Provided further that in the case of a society of which a registered society is a member, that society shall have such voting power as may be prescribed.

Restriction on transfer of share or interest.

19. (1) In the case of a society registered with unlimited liability a member shall not transfer or charge any share held by him or his interest in the capital of the society or any part thereof unless—

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the society or to a member of the society.

2. The transfer or charge of the share or interest of a member in the capital of a registered society shall be subject to such conditions as may, subject to sub-section (1), be prescribed.

DUTIES OF REGISTERED SOCIETIES.

Address of societies.

20. (1) Every registered society shall have an address registered in accordance with the rules, to which all notices and communications may be sent and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.

(2) Notwithstanding the fact that the address of a registered society is specified in its bye-laws a change in the address so specified shall not be deemed to necessitate the amendment of the bye-laws.

Copy of Act, rules and bye-laws to be open to inspection.

21. (1) Every registered society shall keep a copy of this Act and of the rules governing such society, and of its bye-laws open to inspection free of charge at all reasonable times at its registered address.

(2) Every registered society shall maintain its head office at its registered address.

Holding of General Meeting and Managing Committees.

22. (1) Every registered society shall hold its annual ordinary general meeting within three months of the last day of June.

(2) The Managing Committee may call a special General Meeting at any time and shall call such Meeting within a month—

(a) on the requisition in writing of one-fifth of the members of the registered society; or

(b) at the instance of the Registrar or of a person empowered by him in this behalf.

(3) The Registrar or a person authorised by him in this behalf may, notwithstanding the provisions contained in the bye-laws of a registered sociey for holding General Meetings or meetings of the Managing Committee, call a general meeting or a meeting of the Managing Committee at any time, and all the provisions of the bye-laws applicable to a meeting called in accordance therewith shall apply to a meeting called under this sub-section.

Societies to be bodies corporate.

23. The registration of a society shall render it a body corporate by the name under which it is registered with perpetual succession and a common seal and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all things necessary for the purposes of its constitution.

Prior claims of society.

24. Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue, or of a landlord in respect of money payable on account of a lease or khowl—

(a) any debt or outstanding demand owing to a registered society by any member or past member or by the estate of a deceased member shall be a first charge on all crops or other agricultural produce, cattle, fodder, agricultural or industrial implements, plant, machinery, raw matrials and stock-in-trade and generally all produce of labour and things used in connection with production raised, purchased or produced in whole or in part on any loan whether in money or in goods given to the member, past member or deceased member by the society within a period of two years preceding the date on which the debt or outstanding demand is sought to be recovered;

(b) any outstanding demands or dues payable to a registered housing society by anf member or past member or by the estate of a deceased member in respect of rents, shares, loans or purchase money or any other rights or amounts payable to the society shall be a first charge on the interest of the member, past member or the estate in the immovable property of the society.

Charge and set-off in respect of shares or interest of members.

25. (1) Any debt or outstanding demand owing to a registered society by any member or past member of the society, shall be a first charge upon the following properties of such member or past member, namely;

(a) his share or interest in the capital;
(b) his deposit;
(c) his dividend;
(d) his rebate;
(e) any other profit payable to the member.

(2) The society may in accordance with the prescribed conditions set off any sum credited or payable to a member or past member in or towards payment of any such debt or outstanding demand.

Shares or interest not liable to attachment.

26. Subject to the provision of section 25, the share or interest of a member in the capital of a registered society shall not, save in so far as may te prescribed, be liable to attachment or sale under any decree or order of any civil or revenue court in respect of any debt or liability incurred by such member.

Provision for deductions from salary or wages.

27. If a member of a registered society has, whether before or after the commencement of this Act, executed an agreement in favour of the society providing that his employer shall be competent to make from the salary or wages payable to him by the employer such deductions as are specified in the agreement and to pay the amounts so deducted to the society, the society may by notice in writing require the employer to make the deductions specified in the agreement and to pay the amounts deducted to the society and upon the receipt of such notice the employer shall, notwithsanding anything contained in the Payment of Wages Act, 1936, or in any other law for time being in force, for so long as any part of the debt or payment owing ,by the member to the society remains unsatisfied make the deductions and pay the amounts deducted to the society.

Transfer of interest on the death of a member.

28. (1) On the death of a member, a registered society may transfer the share or interest of the deceased member to the person nominated in the prescribed manner or, if there is no person so nominated, to such person as may appear to the managing committee to be the heir or legal representative of the deceased member, or may pay to such nominee, heir or legal representative as the case may be, a sum representating the value of such members' share or interest, as ascertained in the prescribed manner or in accordance with the bye-laws:

Provided that—

(i) in the case of a society with limited liability such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid;

(ii) in the case of a society with limited liability the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, if he is qualified in accordance with the rules and bye-laws for membership of the society, or on his application made within one month of the death of the deceased member to any person specified in the application who is so qualified.

(2) A registered society shall pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member or of the estate of a deceased member.

29. (1) The liability of a past member of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his death, as the case may be, shall continue for a period of two years from such date.

(2) If before the expiry of two years the registration of the society is cancelled under section 53 or 54 the liability of a past member or of the estate of a deceased member shall continue until the assets and liabilities of the society have been determined.

Register of members.

30. Any register or list of members or shares kept by any registered society shall be prima facie evidence of any of the following particulars entered therein:—

(a) the date at which the name of any person was entered in such register or list as a member;

(b) the date at which any such person ceased to be a member;

(c) the number of shares purchased by any person.

Proof of entries in societies books.

31. (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in the manner prescribed, be received in any suit or legal proceedings, as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself would be admissible;

(2) No officer of any registered society shall, in any legal proceedings to which the society is not a party be compelled to produce any of the society's books the contents of which can be proved under sub-section (1) or to appear as a witness to prove any matters, transactions or accounts therein recorded, unless the Court for special reasons so directs.

Exemption of certain instruments of a registered society from the operation of the Registration Act.

32. Nothing in clauses (b) and (c) of sub-section (1) of section 17 of the Indian Registration Act, 1908, shall apply to:—

(1) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property, or

(2) any debenture issued by any suce society and not creating, declaring, assigning, limiting, or extinguishing any right, title or interest to or in any immovable property, except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged or otherwise transferred the whole or part of its immovable property or any interest therein to trustees for the benefit of the holders of such debentures; or

(3) any transfer of or any endorsement upon any debenture issued by any shch society.

Power to exempt from stamp duty, registration fee and income tax.

33. The Government may, by notification in the Jarida, exempt any registered society or class of registered societies from--

(a) the stamp duty, not being a duty falling within item 91 or item 96 in list I in the Seventh Schedule to the Constitution of India, with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society or any class of such instruments are respectively chargeable;

(b) any fee payable under any law relating to registration for the time being in force;

(c) any court fee, not being a fee falling within item 77 or item 96 in list I in the Seventh Schedule to the Constitution of India, payable under any law relating to court fees for the time being in force on instruments, decisions orders, or awards, under this Act, of the Registrar, or of arbitrators. or of liquidators;

(d) the agricultural income-tax payable in respect of the profits of the society or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

Audit.

34. (1) The Registrar shall by himself or by some person authorised by him in writing by general or special order in such form as may be prescribed in this behalf, audit the accounts of every registered society once at least in every year.

(2) An audit under sub-section (1) shall include an examination of over due debts, the verification of cash balances and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person authorised by him under sub-section (1) shall at all times have free access to the books, accounts, documents, securities and vouchers of any society and every member, officer, agent or servant of the society shall furnish to the Registrar or such person such information as he may require.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

Restriction on loans.

35. (1) A registered society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar a society with unlimited liability shall not lend money on the security of movable property.

(3) The Government may, by general or special order, prohibit or restrict the lending of money and mortgage of immovable property by any registered society or class of registered societies.

Restriction on borrowings.

36. (1) A registered society shall receive deposits and loans from persons who are not members to such extent and under such conditions only as may be prescribed, or specified in the bye-laws.

(2) Notwithstanding anything contained in any other law for the time being in force, the Government may, subject to any prescribed conditions, grant loans to, take shares in, or afford financial assistance in any other form to any registered society.

Restrictions on other transactions with non-members.

37. In respect of matters not provided for in sections 35 and 36 the transactions of a registered society with persons other than members shall be subject to such prohibitions and restrictions, if any, as may be prescribed.

Disposal of articles produced by members.

38. A registered society which has as one of its objects the disposal of any article produced or obtained by the work or industry of its members, whether the produce of agriculture, animal husbandry, forestry, fisheries, handicrafts or otherwise, may provide in its bye-laws or may otherwise contract with its members:—

(a) that every such member who produces any such article shall dispose of the whole or any specified amount, proportion or description therreof to or through the society; and

(b) that any member who is proved or adjudged, in such manner as may be prescribed, to be guilty of a

breach of the bye-laws or of any such contracts, shall pay to the society as liquidated damages a sum ascertained or assesed in such manner as may be prescribed.

Investment of funds.

39. A registered society may invest or deposit its funds—

(a) in promissiory notes of the Government;

(b) with the approval of the Registrar in the shares or securities of any other registered society, whose liability is limited;

(c) with the Hyderabad State Bank or with any Saving or Co-operative Bank or with the Post Officer;

(d) with any other bank approved or in any other mode permitted by the Registrar.

Restriction on distribution of profits.

40. (1) After at least one-fourth of the net profits of a registered society in any year have been carried to the reserve fund and any other prescribed requirements in regard to the setting aside of funds from the net profits have been fulfilled, the remainder of such profits and any profits of past years available for distribution may be distributed among the members of the society to such extent and subject to such conditions as may be prescribed:

Provided that if the amount sanding to the credit of the reserve fund of a society is not less than the amount of the paid up capital, the Registrar may authorise the reduction of the portion of the net profits of any year to be carried to the reserve to such portion not being less than one-tenth as may be prescribed.

(2) Save as provided in sub-section (1) no part of the funds of a registered society shall be divided by way of rebate or dividend or otherwise among its members.

Contribution to public purposes.

41. Any registered society may, after one-fourth of the net profits in any year have been carried to the reserve fund, apply an amount not exceeding 20 per cent. of the remaining net profits to any co-operative, educational or other public purpose or purposes approved by the Registrar.

INQUIRY AND INSPECTION.

Inquiry.

42. The Registrar may of his own motion, and

(a) at the request of the taluqdar within whose jurisdiction the head office of the society is situated;

(b) on the application of an affiliated society;

(c) on the application of a majority of the managing committee; or

(d) on the application of not less than one-third of the members;

shall, hold an inquiry, or direct some person authorised by him by order in writing in this behalf to hold an inquiry, into the constitution, working and financial conditions of any registered society.

Inspection.

43. The Registrar shall, on the application of any creditor or shareholder of a registered society, inspect or direct some person authorised by him by order in writing in this behalf to inspect, the books of the society:

Provided that—

(a) the applicant satisfies the Registrar that there is due to him a debt or share and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

Powers of persons inspecting or inquiring.

44. (1) The Registrar or person authorised by him under section 42 or section 43 may;

(a) inspect the books of accounts, vouchers, documents, securities and cash balances of the society;

(b) call upon any person who in his opinion have information in regard to the affairs of the society or have in their possession books of accounts, documents, securities or cash balances of the society, to furnish information in regard to the affairs of the society, or to produce documents, and may record their statements on oath.

(2) Upon the conclusion of an inquiry under section 42 or of an inspection under section 43 the Registrar shall communicate the result of the inquiry or inspection to the society and to the creditors of which the society is a debtor.

Levy of costs.

45. Where an inquiry is held under section 42 or an inspection is made under section 43 the Registrar may apportion the costs or any part of the costs, in such manner as he may think just, between the society, the members, creditors or shareholders demanding the inquiry or inspection, and the officers or former officers of the society or any of them.

Recovery of costs.

46. Any sum awarded by way of costs under section 45 may be recovered on the application of the Registrar by a revenue officer or a magistrate having jurisdiction in the place where the person liable for the payment of such sum actually resides or carries on business by the distress and sale of his immovable property as if such sum were an arrear of land revenue or a fine imposed by such magistrate.

Supersession of committee.

47. (1) If, in the opinion of the Registrar, the Managing Committee of any registered society is not functioning properly, he may, after giving an opportunity to the managing committee to state its objections, if any, by order in writing, dissolve the managing committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding two years. The period specified in such order may, at the discretion of the Registrar, be extended from time to time provided that such order shall not remain in force for more than four years in the aggregate.

(2) The person or persons so appointed shall have power, subject to the control of the Registrar, to recover the assets and discharge the liabilities of the society and take such other action as may be required in its interests.

(3) The Registrar may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and the other costs, if any, incurred in the management of the society, shall be payable from its funds.

(4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, arrange for the constitution of a new managing committee in accordance with the bye-laws of the society.

(5) Nothing in this section shall be deemed to affect the power of the Registrar to cancel the registration of the society under section 53.

Reference of disputes to Registrar.

43. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its Managing Commitee against a paid servant of the socitey) arises—

(a) among members, past members and persons claiming through members, past members or deceased members, or

(b) between a member, past member or person claiming through member, past member or deceased member and the society, Maneging Committee, or any officer, agent or servant of the society, or

*(c) between the Society or its managing Committee, any officer, agent or servant or any past officer, past agent or past servant or the nominee, heir or legal representative of any deceased officer, deceased agent or deceased servant. or

(d) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation.—Each of the following claims, whether admitted or not, is a dispute touching the business of the society within the meaning of this sub-section—

(a) a claim by a registered society for any debt or demand due to it from a member or past member or from the nominee, heir or legal representative of a deceased member;

*(b) a claim by a registered Society on account of the loss suffered by the Society by reason of anything done or omitted to be done by a member, past member or deceased member or by the managing committee or by any officer, agent or servant or any past managing committee or by any past officer, past agent or past servant of the society;

(c) a claim arising out of the constitution, procedure or management of a registered society.

(2) If the Registrar becomes aware of the existence of a dispute which ought to have been, but has not been, referred to him under sub-section (1), he shall require

*As substituted Act No. XX of 1955 published in Gazette Extraordinary No. 151 Dt 21-11-55.

such party or parties to the dispute, as he may think fit, to refer the dispute within such time as he may specify, and if such reference is not made within the time so specified, the dispute shall be deemed to have been referred to him under sub-section (1).

Action to be taken by the Registrar on reference.

49. (1) When a dispute is referred to the Registrar under sub-section (1) of section 48, or deemed under sub-section (2) of that section to have been so referred, the Registrar may —

(a) decide the dispute himself, or

(b) subject to any prescribed conditions refer it for disposal to an arbitrator or arbitrators.

(2) If in his opinion the dispute involves difficult questions of law or fact, the Registrar may defer action in accordance with sub-section (1) with a view to afford to the parties an opportunity of instituting a suit in a civil-court for the settlement of the dispute:

Provided that if no such suit is filed within a period of six months from the date on which the parties to the dispute were informed of the decision of the Registrar to proceed under this sub-section, the Registrar shall proceed in accordance with sub-section (1) and no Court shall have Jurisdiction to entertain a suit relating to the dispute filed after the expiration of the said period.

Withdrawal by Regsitrar of dispute referred to arbitration.

*[50. Subject to such conditions as may be prescribed, the Registrar may withdraw any dispute referred by him under clause (b) of sub-section (1) of section 43 to an Arbitrator or Arbitrators and deal with it in the manner provided in sub-section (1) of section 49.

Revision.

51. (1) The Registrar may, on an application of a party to the dispute, or of his own motion, call for the records of the case disposed of by the Arbitrator or Arbitrators and make such order in the case as he thinks fit.

*As substituted by Act No. XX of 1955 Published in Gazette Extraordinary No. (151) dated 21-11-1955.

(2) The period of limitation for the filing of an application by a party to the dispute or for the calling for of the records by the Registrar, of his own motion, shall be thirty days from the date of disposal of the case by the Arbitrator or Arbitrators.

(3) Any decision passed by the Registrar under clause (a) of sub-section (1) of section 49 or under sub-section (1) of this section shall be final and shall not be called in question in any civil or revenue court.

(4) Any decision passed by Arbitrator or Arbitrators to whom a dispute is referred under clause **(b)** of sub-section (1) of section 49, shall save as provided in sub-section (1), be final and shall not be called in question in any civil or revenue Court.]

Procedure in disposal of disputes.

52. (1) When a dispute referred or deemed to have been referred under section 48 relates to immovable property, the Registrar may make any person appearing to him to have an interest in such property a party to the reference and any decision on the reference shall be as binding on a person so made a party as if he had been an original party to the reference.

(2) The Registrar, and the arbitrator or arbitrators to whom dispute is referred under clause (b) of sub-section (1) of section 49 shall regulate their procedure in accordance with the prescribed provisions.

Dissolution of a society.

53. (1) If the Registrar—

(a) after any inquiry or inspection has been held or made under section 42 or section 43, as the case may be, or

(b) on receipt of an application made by at least three-fourths of the members of the society present at a general meeting held for the purpose, or

(c) for the reason that a society has not commenced working or has ceased working; or is working irregularly,

is of opinion that the society ought to be dissolved, he may by order in writing cancel the registration of the society. A copy of the order shall forthwith be communicated to the society by registered post.

(2) Save in a case to which clause (b) of sub-section (1) applies, an appeal against an order made under sub-section (1) may, within two months of the date of such order, be preferred to Government or to such person as Government may by notification in the Jarida appoint in this behalf:

Provided that such appeal shall be dismissed unless the number of members of the society joining in the appeal is not less than twentyfive or one-tenth of the total number of members whichever is less.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect unless and until it is confirmed by the Government or person hearing the appeal and such confirmation is communicated to the society by registered post.

Cancellation of registration of society.

54. When it is a condition of the registration of a society that it should consist of at least ten members who have attained the age of majority, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the membership of the society has been reduced to less than ten such members.

Effect of Cancellation of registration.

55. Where the registration of a society is cancelled the society shall cease to exist as a corporate body—

(a) in the case of cancellation in accordance with the provisions of section 53, from the date on which the order of cancellation takes effect;

(b) in the case of cancellation in accordance with the provisions of section 54, from the date of the order.

Appointment and powers of liquidators.

56. (1) Where the registration of a society is cancelled under section 53 or section 54 the Registrar may appoint any person to be liquidator of the society.

(2) Subject to any rules that may be made under this Act, the whole of the assets of the society shall, on the appointment of a liquidator under sub-section (I), vest in such liquidator and he shall have powers to realise such assets by sale or otherwise.

Such liquidator shall also have power, subject to the control of the Registrar—

(a) to institute and defend suits and other legal proceedings on behalf of the society by his name of office and to refer any matter in dispute to arbitration;

(b) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society, such contribution including debts due from such members or persons;

(c) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably, as the assets of the society permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case;

(d) to make any compromise with any creditor or debtor;

(e) to determine by what persons and in what proportions the costs of the liquidation are to be borne;

(f) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society; and

(g) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Sections 24 to 27 (both sections inclusive) shall apply in respect of the liquidator in like manner as they apply in respect of a registered society.

(5) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.

(6) Any person aggrieved by any order of the liquidator may appeal to the Registrar against such order within two months from the date of the issue of the order by registered post.

(7) Save in so far as is expressly provided in this Act, no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act, and when a liquidator has been appointed no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

Surcharge.

57. (1) Where in the course of an audit under section 34 or an inquiry under section 42 or an inspection under section 43 or the winding up of a society under section 56, it appears that any person who has taken part in the organisation of management of the society or any past or present officer of the society has misapplied or fraudulently retained or is liable or accountable for any money or other property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the auditor, enquirer, inspector, or liquidator, or of any creditor or contributory, examine into the conduct of such person or officer and make an order enquiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, fraudulent retention, misfeasance or breach of trust as the Registrar thinks just.

(2) This section shall apply notwithstanding that the Act is one for which the offender may be criminally responsible.

Powers to summon and enforce attendance.

58. For the purposes of—

(a) an inquiry under section 42 or an inspection under section 43, the Registrar or authorised person,

(b) the reference of a dispute under section 48, the Registrar and the arbitrator or arbitrators to whom such dispute is referred,

(c) liquidation proceedings under section 56, the Registrar and liquidator,

shall have the powers conferred on a Civil Court by the Indian Civil Procedure Code in respect of—

(i) enforcing the attendance of any person and examining him on oath or affirmation, and

(ii) compelling the production of documents.

Attachment of Property.

59. Where the Registrar is satisfied, on a report or application made to him or otherwise, that any person with intent to defeat or delay the execution of any order that may be passed against him in proceedings on a reference under section 48 *[or revision under section 51] or under section 56 or 57—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole of or any part of his property, from limits of the jurisdiction of the Registrar.

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent Civil Court.

Mode of execution.

60. (1) Every order passed on a dispute referred to under section 48* [every order passed on a revision under section 51 .] and every order passed by the liquidator under section 56 or by the Registrar under section 57 or section 59 shall, if the parties concerned do not of their own motion give effect thereto, be executed on a certificate signed by the Registrar, or liquidator as the case may be—

(a) by a Civil Court having local jurisdiction as if it were a decree of such Court ; or

(b) by a revenue officer having local jurisdiction as if any sums to be recovered under the order were arrears of land revenue.

(2) When any property attached in execution of an order referred to in sub-section (1) cannot be sold for want of buyers, the same may with the previous consent of the Registrar be handed over to the society on such terms and conditions as may be agreed upon between the society and the Civil Court or as the case may be the revenue officer executing the order.

*As inserted by Act No. XX of 1955 published in Gazette Extraordinary No. (151) dated 21-11-1955.

(3) The Registrar may, of his own motion or at the instance of the Court or revenue officer executing such order, permit the amount recoverable under the order to be recovered in such instalments as he may determine, and he may at any time withdraw the execution proceedings from the Civil Court or revenue officer as the case may be.

Certain officers to be deemed Government servants.

61. The Registrar, a person exercising the powers of the Registrar, a person authorised to hold an inquiry under section 42 or make an inspection under section 43, a liquidator and an arbitrator or arbitrators to whom any dispute is referred under clause (b) of sub-section (1) of section 49 shall be deemed to be Government servants within the meaning of section 21 of the Indian Penal Code.

OFFENCES AND PENALTIES.

Offences.

62. It shall be an offence under this Act if--

(a) a Registered society or an officer or member thereof, wilfully makes a false return or furnishes false information; or

(b) any person wilfully or without reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Act.

Punishment for disposing of property in contravention of section 24.

63. Any member or past member or the nominee, heir or legal representative of a deceased member contravening the provisions of section 24 by fraudulently disposing of any property in respect of which the society is entitled to claim priority under this section or doing any other act to the prejudice of such claim shall be punishable with fine not exceeding two hundred rupees.

Prohibition of the use of the word "Co-operative."

64. (1) No person other than a registered society shall, without the sanction of the Government, trade or carry on business under any name or title of which the word "Co-operative" or its equivalent in any other language forms part :

Provided that nothing in this section shall apply to the use by any person or by his successor in interest of any

name or title under which such person traded or carried on business at the date on which the Co-operative Credit Societies Act (No. II of 1323 F.), came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five hundred rupees and in the case of continuing offence with a further fine of fifty rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for.

65. Any registered society or any officer or member thereof or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offence.

66. (1) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

(3) Every offence under this Act shall, for the purposes of the Indian Criminal Procedure Code, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Act without the previous sanction of the Registrar. Such sanction shall not be given without affording to the party concerned an opportunity to be heard.

MISCELLANEOUS.

Power of Registrar to recover certain sums by attachment and sale of property.

*[66-A. The Registrar or any person subordinate to him empowered by the Registrar in this behalf may, subject to such Rules as may be prescribed by the Government and without prejudice to any other mode of recovery provided by or under this Act, recover:—

* Inserted by Act No. XXXV of 1954, published in Gazette Extraordinary No. (201) dated 6th December, 1954.

(a) any amount due under a decree or order of a Civil Court, a decision or an award of the Registrar or Arbitrator, or an order of the Registrar, obtained by a registered society or liquidator; or

(b) any sum awarded by way of cost under section 45 to a registered society or to the Government ; or

(c) any sum ordered under section 56 to be recovered as a contribution to the assets of a society or as costs of liquidation; or

(d) any sum ordered under section 57 to be repaid to a Society or recovered as a contribution to its assets, together with the interest, if any, due on such amount or sum and the costs of process, by the attachment and sale or by the sale without attachment of the property of the person against whom such decree, decision, award or order has been obtained or passed.

Registrar or person empowered by him to be a Civil Court for certain purposes.

* 66-B. (1) The Registrar or any person empowered by him in that behalf, shall be deemed, when exercising any powers, under this Act for the recovery of any amount by the attachment and sale or by the sale without attachment of any property, or when passing any orders on any application made to him for such recovery or to take some step-in-aid of such recovery, to be a civil Court for the purposes of Article 182 of the First Schedule to the Indian Limitation Act 1908.

(2) Notwithstanding anything contained in section 60 or 66-A of the Act, the Registrar may, of his own motion, or, on the application of any party to the execution proceedings pending with the Civil Court or the Revenue authorities as the case may be, transfer the execution application at any stage and start execution either by himself or by any officer subordinate to him empowered in that behalf.

* Inserted by Act No. XXXV of 1954, published in Gazette Extraordinary No. (201) dated 6th December, 1954.

Appeal from orders passed under section 66-A.

* 66-C. An appeal shall lie to the Registrar, within such period as may be prescribed, from every order (other than an interim order) passed under section 66-A by any person subordinate to the Registrar empowered in that behalf by the Registrar. The order of the Registrar on such appeal shall be final.]

Recovery of sums due to Government.

67. (1) All sums due from a registered society or from an officer or member or past member of a registered society as such to the Government, may be recovered in the same manner as arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under sub-section (1) may be recovered firstly, from the property of the society; secondly, in the case of a society the liability of the members of which it is limited, from the members, subject to the limits of their liability; and thirdly, in the case of any other society from the members.

Powers to exempt societies from conditions as to registration.

68. Notwithstanding anything contained in this Act the Government may, by special order in each case and subject to such condition, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Powers to exempt registered societies from provisions of this Act.

69. The Government may, by general or special order, exempt any registered society from any of the provisions of this Act or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Indian Companies Act of 1913 not to apply.

70. The provisions of the Indian Companies Act shall not apply to registered societies.

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*Inserted by Act No. XXXV of 1954, published in Gazette Extraordinary No. (201) dated 6th December, 1954.

71. (1) The Government may, for the whole or any part of the Hyderabad State and for any registered society or class of such societies, make rules to carry out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

(a) the manner in which funds may be raised by means of shares, deposits, debentures, or otherwise, and the maximum number of shares or the portion of the capital of a society which may be held or deposited by a member ;

(b) the matters in respect of which a society may or shall make bye-laws, the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to the making of such alterations or abrogations;

(c) the manner in which a society may change its address or alter its liabilities ;

(d) the conditions to be complied with by persons applying for admissions or admitted as members, the mode of election of admission of members and the payments to be made and the interest to be acquired prior to the exercise of the rights of membership ;

(e) the extent to which a society may limit the number of its members;

(f) the holding of General Meetings and of meetings of the managing committee, procedure, including the manner of voting, at such meetings, the powers to be exercised by such meetings and the quorum required to constitute such meetings;

(g) the appointments, suspension and removal and the powers and duties, of the members of the managing committee and other officers; the prohibition of the appointment of defaulting members of any society to the managing committee of that or any other society and the conditions, if any, subject to which such defaulting member may be allowed to exercise his rights of membership in the society or to represent it in another society ;

(h) the qualifications and conditions of service of the employees of a registered society;

(i) the accounts and books to be kept by a society, the audit of such accounts, the charges, if any, to be made for such audit, and the periodical publicatoin of a balance sheet showing the assets and liabilities of a society;

(j) the returns to be submitted by a society to the Registrar, and the persons by whom and the form in which such returns shall be submitted;

(k) the form in which copies of entries in books of a society may be made and certified;

(l) the form of and the entries to be made in the registers of members and shares which the society is bound to maintain;

(m) the mode of appointing an arbitrator or arbitrators, the procedure to be followed in proceedings before such arbitrator or arbitrators, the fixation and levy of expenses incidental to the determination of disputes and the appointment of a guardian or pleader for a party to a dispute who is a minor or who by reason of unsound mind or mental infirmity is incapable of protecting his interests;

(n) the withdrawal or expulsion of members the payments if any to be made to members, who withdraw or are expelled, and the liabilities of past members;

(o) the mode in which the value of a deceased member's interest or share shall be ascertained;

(p) the conditions under which a society may give loans to other societies or its members or transact business with other persons;

(q) the conditions under which and the extent to which a society may distribute profits to its members;

(r) the procedure to be followed in the presentation and disposal of appeals from an order of the Registrar;

(s) the procedure to be followed by a liquidator appointed under section 56, appeals from his orders and the disposal of the surplus assets, if any, of the society;

(t) the procedure for audit, inquiry and inspection;

(u) the issue and service of processes, the proof of service thereof, and the cases in which a warrant under the Indian Civil Procedure Code may be issued;

(v) the inspection of documents in the office of the Registrar, an arbitrator or arbitrators or a liquidator and

the levy of fees for the grant of certified copies of the same;

(w) the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;

(x) the custody of property attached under this Act;

(y) any matter which is to be or may be prescribed.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Jarida and on such publication shall have effect as if enacted in this Act.

Repeal and savings.

72. (1) The Hyderabad Co-operative Credit Societies Act (II of 1323 F.) hereinafter in this section referred to as the said Act and all enactments amending the same are hereby repealed.

(2) Every society now existing which has been registered and the said Act shall be deemed to be registered under this Act and its bye-laws shall, so far as they are not inconsistent with any express provision of this Act, be deemed to have been registered thereunder and shall continue in force until altered or rescinded.

(3) All appointments, rules and orders made, notifications and notices issued, and suits and other proceedings instituted under the said Act, shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

THE HYDERABAD SALARIES OF MINISTERS ACT.

No. XVII OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Definition.
3. Salaries of Ministers.
4. Salaries of Deputy Ministers.
5. Deputy Ministers not disqualified.

*THE HYDERABAD SALARIES OF MINISTERS ACT, 1952.

No. XVII of 1952.

An Act to provide for the salaries of Ministers of the State of Hyderabad.

Whereas in pursuance of clause (5) of Article 164 read with Article 238 of the Constitution of India, it is expedient to provide for the salaries of the Ministers of the State of Hyderabad by an Act of the Legislature ;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Salaries of Ministers Act, 1952.

(2) It shall come into force at once.

Definition.

†[2. In this Act "Minister" and "Deputy Minister" mean respectively Minister and Deputy Minister of the State of Hyderabad and "Minister" includes the Chief Minister.]

Salaries of Ministers.

3. With effect from the commencement of the term of his office, there shall be paid to each Minister a salary at the rate of I.G. Rs. 1,250 per month.

Salaries of Deputy Ministers.

†[4. With effect from the commencement of the term of his office there shall be paid to each Deputy Minister a salary at the rate of I.G. Rs. 750 per month.

Deputy Ministers not disqualified.

5. For the avoidance of doubt, it is hereby declared that a person shall not be disqualified for being chosen as, or for being, a member of the Hyderabad Legislative Assembly merely by reason of the fact that he holds the office of a Deputy Minister.]

*Published in Gazette Extraordinary No. 56, dated 17th April, 1952.
†Substituted by Act No. V of 1954, published in Gazette Extraordinary No. 65, atded 16th March, 1954.

THE HYDERABAD LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER'S SALARIES AND ALLOWANCES) ACT, No. XVIII of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Definitions.
3. Salary of the Speaker.
4. Residence and motor car of the Speaker.
4-A. (1) Charges payable by the Speaker.
(2) Charges payable by the Government.
4-B. Travelling daily allowances of the speaker.
4-C. Medical attendance.
5. Salary to be paid to the Deputy Speaker.
6. Travelling and daily allowances of the Deputy Speaker.
7. Notification respecting appointment, etc., of the Speaker and Deputy Speaker of the Assembly to be conclusive evidence thereof.
8. Power of Government to make rules and orders.

*THE HYDERABAD LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER'S SALARIES †[AND ALLOWANCES]) ACT, 1952.

No. XVIII of 1952.

An Act to provide for the salaries †[and allowances] of the Speaker and the Deputy Speaker of the Hyderabad Legislative Assembly and for Matters connected therewith.

Whereas it is expedient to provide for the salaries †[and allowances] of the Speaker and the Deputy Speaker of the Hyderabad Legislative Assembly and for matters connected therewith; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Legislative Assembly (Speaker and Deputy Speaker) Salaries †[and Allowances] Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In this Act— Definitions.

(1) "Assembly" means the Hyderabad Legislative Assembly constituted under the Constitution of India;

(2) "Deputy Speaker" means the Deputy Speaker of the Assembly;

‡[3] "residence" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof;

‡[4] "Speaker" means the Speaker of the Assembly.

3. There shall be paid to the Speaker ‡[throughout the term of his office] a salary at the rate of I. G. Rs. 1,250 per month. Salary of the Speaker.

*Published in Gazette Extraordinary No. (56) dated 17th April, 1952.

†Amended by Act No. XXI of 1953 published in Gazette Extraordinary No. (6) dated 7-1-54.

‡Amended by Act No. XXVIII of 1952 published in Gazette Extraordinary No. (126) dated 25-7-1952.

Residence and motor car of the Speaker.

4. The Speaker shall be entitled to the use of

(a) a fully furnished residence in the City of Hyderabad throughout his term of office without payment of rent ; and

(b) a Government motor car without any payment, and an allowance at the rate of I.G. Rs. 500 per month shall be paid †[to meet the charges mentioned in sub-section (1) of section 4-A.]

†[4-A. (1) The following charges shall be paid by the Speaker in respect of the residence and Government motor car allotted for his use under section 4—

Charges payable by the Speaker.

(a) cost of petrol and oil required for the motor car;

(b) charges for the consumption of electricity and water for the residence except charges for the consumption of water for the garden; and

(c) such other minor charges as Government may by general or special order direct.

(2) All other charges for the maintenance and upkeep of such residence and motor car including the cost of repairs thereof the salaries and allowances of the driver and cleaner of such motor car, rates and taxes, and all expenditure for the lay out and maintenance of the gardens included in such residence, shall be borne by the Government].

Charges payable by the Government.

‡[4-B. The Spearker shall be entitled to travelling and daily allowances while touring on public business whether by land, sea or air at such rates anp upon such conditions as may be prescribed by rules and orders made in this behalf by the Government.

Travelling and daily allowances of the speaker.

Explanation. — Travelling allowance for journeys by air shall include charges for air risk insurance cover at such rates and to such extent as may be specified in rules made by the Government in this behalf.

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†Amended by act No. XXVIII of 1952, published in Gazette extraordinary No. (126), dated 25-7-1952.

‡Added by Act No. XXI of 1953 published in Gazette—Extraordinary No. (6) dated, 7-1-1954.

†4-C. Subject to rules and orders made by the Government, the Speaker and the members of his family who are residing with and dependent on him shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment.

Medical attendance.

Explanation.—For the purposes of this Section 'a member of his family, means husband, wife, son, daughter, father, mother, brother or sister.]

5. There shall be paid to the Deputy Speaker a salary at the rate of I.G. Rs. 750 per month.

Salary to be paid to the Deputy Speaker.

†[6. (1) The Deputy Speaker shall be entitled to travelling and daily allowances while touring on public business whether by land, sea or air at such rates and upon such conditions as may be prescribed by rules and orders made in this behalf by the Government.

Travelling and daily allowances of the Deputy Speaker.

(2) Subject to rules and orders made by the Government Deputy Speaker and the members of his family who are residing with and dependent on him shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment.

Explanation.— For the purpose of this section "a member of his family" means husband, wife, son, daughter, father, mother, brother or sister.

†7. The date on which any person became or ceased to be the Speaker or the Deputy Speaker of the Assembly as the case may be, shall be published in the Jarida and any such notification shall be conclusive evidence of the fact that he became or ceased to be the Speaker or the Deputy Speaker of the Assembly, as the case may be, on that date for all the purposes of this Act.

Notification respecting appointment, etc., of the Speaker and Deputy Speaker of the Assembly to be conclusive evidence thereof.

†8. The Government may, by notification in the Jarida, make rules and orders for the purposes of this Act].

Power of Government to make rules and orders.

†Added by Act No. XXI of 1953, Published in Gazette Extraordinary No. (6) dated 7-2-1954.

THE HYDERABAD LEGISLATIVE ASSEMBLY (MEMBERS' SALARIES AND ALLOWANCES) ACT, 1952.

No. XIX of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Definitions.
3. Salaries and Allowances to be paid to Members.
4. Minister, Speaker or Deputy Speaker not entitled to salary or daily allowance under this Act.
5. Power of Government to make rules.

THE HYDERABAD LEGISLATIVE ASSEMBLY (MEMBERS' SALARIES AND ALLOWANCES) ACT, 1952.

No. XIX of 1952.

An Act to Provide for salaries and allowances of members of the Hyderabad Legislative Assembly.

Whereas it is expedient to provide for the salaries and allowances of Members of the Hyderabad Legislative Assembly; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Legislative Assembly (Members' Salaries and Allowances) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In this Act—

(1) "Assembly" means the Hyderabad Legislative Assembly constituted under the Constitution of India; Definitions.

(2) "Deputy Speaker" means the Deputy Speaker of Assembly;

(3) "Member" means a Member of the Assembly;

(4) "Minister" means a Minister appointed under Article 164 read with Article 238 of the Constitution of India, [and includes a Deputy Minister];

(5) " Speaker" means the Speaker of the Assembly.

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*Published in Gazette Extraordinary No. 56, dated 17th April, 1952.
†Inserted by Act No. XI of 1954, published in Gazette Extraordinary No. 91, dated 21st April, 1954.

Salaries and Allowances to be paid to Members.

3. With effect from the date of publication of election of a Member to the Legislative Assembly under Section 67 of the Representation of the People Act, 1951, there shall be paid to each Member—

(a) a salary at the rate of I.G. Rs. 200 per month;

(b) a daily allowance at the rate of I. G. Rs. 12-3-0 for each day on which the Member attends the session of the Assembly or the meeting of a Committee of the Assembly at the place where such session or meeting is held; and

(c) a travelling allowance for journey undertaken for the purpose of attendance at such place and for return journey from such place not the rate admissible for the time being to first class officers under the Hyderabad Civil Service Regulation.

*Minister, Deputy Minister, Speaker, Deputy Speaker, etc. not entitled to salary or allowance under this Act.

*[4. Notwithstanding any thing contained in this Act:—

(a) a Minister,

(b) a Deputy Minister,

(c) the Speaker,

(d) the Deputy Speaker,

(e) the Chief Parliamentary Secretary, a Parliamentary Secretary, a Parliamentary Under-Secretary, the Chief whip or the Deputy Chief Whip, if any,

shall not be entitled to any salary or daily allowance under this Act by reason of the fact that he is a Member.]

Power of Govt. to make rules.

5. (1) As respects all matters for which no express provision has been made in this Act including holidays to be counted as days for the purpose of clause (b) of Section 3 the Government may make rules for the purpose of carrying out the purposes of this Act.

(2 Rules made under this section shall have effect as if enacted in this Act.

*As Substituted by Act No. XVII of 1955, published in Gazette Extraordinary No. (136) dated 28-10-1955.

THE HYDERABAD PUBLIC SERVICE COMMISSION REGULATION (REPEALING)

ACT, NO. XX OF 1952.

CONTENTS

Preamble.

Sections.

1. Short title and commencement.
2. Repeal of Regulation No. IV of 1356 Fasli.

*THE HYDERABAD PUBLIC SERVICE COMMISSION REGULATION (REPEALING) ACT, 1952.

No. XX of 1952.

An act to repeal the Hyderabad Public Service Commission Regulation, 1356 Fasli,

Whereas it is expedient to repeal the Hyderabad Public Service Commission Regulation, 1356 F. Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Hyderabad Public Service Commission Regulation (Repealing) Act, 1952, and shall come into force at once. Short title and commencement.

2. The Hyderabad Public Service Commission Regulation, 1356 Fasli, is hereby repealed. Repeal of Regulation, No. IV of 1356 Fasli.

*Published in Gazette Extraordinary No. 56, dated 17th April, 1952.

THE SECURITY REGULATION (REPEALING) ACT, No. XXII OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Repeal of Hyderabad Regulation, XII of 1358 F.

THE SECURITY REGULATION (REPEALING) ACT, 1952.

No. XXII of 1952.

An Act to repeal the Security Regulation, 1358 F.

Whereas it is expedient to repeal the Security Regulation, 1358 Fasli (No. XII of 1358 F.); Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Security Regulation (Repealing) Act, 1952. Short title extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force at once.

2. The Security Regulation, 1358 Fasli (No. XII of 1358 F.) is hereby repealed. Repeal of Hyderabad Regulation, XII of 1358 F.

*Published in Gazette Extraordinary No. 56, dated 17th April, 1952.

THE HYDERABAD STATE APPROPRIATION ACT, No. XXIII of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 47,00,10,000 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1953.
3. Appropriaton.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1952.

No. XXIII OF 1952.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1953.

Preamble.

Whereas it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1953;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Hyderabad State Appropriation Act, 1952.

(2) It shall come into force at once

Issue of Rs. 47,00,10,000 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1953.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 4 of the Schedule amounting in the aggregate to the sum of rupees forty-seven crores and ten thousand towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1953, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1953.

SCHEDULE

(See Sections 2 & 3)

Srl. No.	Services & purposes	Heads of Accounts	Sums Not Exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
1	Land Revenue ...	7-Land Revenue ...	1,22,41,000	...	1,22,41,000

*Published in Gazette Extraordinary No. (109) dated 2nd July, 1952.

SCHEDULE

(SEE SECTIONS 2 & 3)

Srl. No.	Services & purposes	Heads of Accounts	SUMS NOT EXCEEDING		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
2	State Excise Duties ..	8-State Excise Duties.	78,31,000	...	78,31,000
3	Stamps	9-Stamps ...	2,84,000	...	2,84,000
4	Forest	10-Forest ...	26,36,000	...	26,36,000
5	Registration ..	11-Registration ...	3,68,000	...	3,68,000
6	Charges on account of Motor Vehicles Acts.	12-Charges on account of Motor Vehicles Acts.	12,00,000	...	12,00,000
7	Other Taxes and Duties.	13-Other Taxes and Duties.	42,85,000	...	42,85,000
8	Irrigation Works ..	XVII-Irrigation, etc. Works for which Capital Accounts are kept—*Deduct* working Expenses.	12,89,000	...	12,89,000
9	Other Revenue Expenditure financed from ordinary Revenues : Irrigation Works : (1) Works for which no Capital Accounts are kept.	18-Other Revenue Expenditure financed from ordinary Revenues : Irrigation Works : (1) Works for which no Capital Accounts are kept.	52,82,000	...	52,82,000
10	Interest on Debt and other obligations.	22-Interest on Debt and other obligations.	...	81,22,000	81,22,000
11	General Administration.	25-General Administration.	71,72,000	2,71,000	74,43,000
12	Administration of Justice.	27-Administration of Justice.	35,53,000	9,24,000	44,77,000
13	Jails & Convict Settlements.	28-Jails & Convict Settlements.	27,51,000	...	27,51,000
14	Police	29-Police ...	2,66,91,000	...	2,66,91,000
15	Scientific Departments.	36-Scientific Departments.	6,63,000	...	6,63,000
16	Education ..	37-Education ...	3,78,98,000	...	3,78,98,000
17	Medical	38-Medical ...	90,05,000	...	90,05,000
18	Public Health ..	39-Public Health ...	45,35,000	..	45,35,000
19	Agriculture ..	40-Agriculture ...	65,72,000	...	65,72,000
20	Veterinary ..	41-Veterinary ...	14,80,000	...	14,80,000
21	Co-operation ..	42-Co-operation ...	17,55,000	...	17,55,000
22	Industries & Supplies	43-Industries & Supplies.	16,91,000	...	16,91,000

SCHEDULE—(*Contd.*)

(SEE SECTIONS 2 & 3)

Srl. No.	Services & purposes	Heads of Accounts	SUMS NOT EXCEEDING		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
23	Miscellaneous Departments.	47-Miscellaneous Departments.	40,05,000	...	40,05,000
24	Civil Works ...	50-Civil Works ...	1,71,98,000	...	1,71,98,000
25	Other Revenue Expenditure connected with Electricity Schemes.	52-A-Other Revenue Expenditure connected with Electricity Schemes.	18,000	...	18,000
26	Territorial & Political Pensions.	54-A-Territorial & Political Pensions.	20,35,000	...	20,35,000
27	Superannuation Allowances & Pensions.	55-Superannuation Allowances & Pensions.	1,80,55,000	3,20,000	1,83,75,000
28	Stationery and Printing.	56-Stationery and Printing.	27,13,000	...	27,13,000
29	Miscellaneous ...	57-Miscellaneous ...	40,66,000	1,60,87,000	2,01,53,000
	Total Expenditure on Revenue Account (including Revenue Expenditure within Revenue Account).	Expenditure & Capital	18,72,72,000	2,57,24,000	21,29,96,000
30	Irrigation ...	68-Construction of Irrigation etc. Works.	3,73,81,000	...	3,73,81,000
31	Public Health ...	70-Capital Outlay on Improvement of Public Health.	22,03,000	...	22,03,000
32	Multi-purpose River Schemes.	80--Capital Outlay on Multi-purpose River Schemes.	93,04,000	...	93,04,000
33	Civil Works ...	81-Capital Account of Civil Works outside the Revenue Account.	64,01,000	...	64,01,000
34	Electricity Schemes ...	81-A-Capital Outlay on Electricity Schemes.	51,02,000	...	51,02,000
35	Road Transport Department.	82-B-Capital Outlay on Road Transport Scheme.	37,50,000	...	37,50,000
36	State Schemes connected with State Trading.	85-A-Capital Outlay on State Schemes of State Trading.	9,40,88,000	...	9,40,88,000
	Total Capital Expenditure.	Outside the Revenue account.	15,82,29,000	...	15,82,29,000
37	State Road Fund ...	State Road Fund ...	1,50,000	...	1,50,000
38	Loans & Advances by State Government.	Loans & Advances by State Government.	9,86,35,000	...	9,86,35,000
	Total Disbursements	under Debt Heads ...	9,87,85,000	...	9,87,85,000
	GRAND TOTAL		44,42,86,000	2,57,24,000	47,00,10,000

THE HYDERABAD CINEMA SHOWS TAX ACT, NO. XXVI OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Defiinitions.
3. Taxation on cinema shows.
4. Submission of returns and payment of tax.
5. Power of entry and inspection.
6. Penalties.
7. Appeal.
8. Recovery of taxes and penalty.
9. Rules.

*THE HYDERABAD CINEMA SHOWS TAX ACT, 1952.

No. XXVI of 1952.

An Act to impose a tax on cinema shows in the State of Hyderabad.

Whereas it is expedient to impose a tax on cinema shows in addition to any other tax leviable in respect thereof : Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Cinema Shows Tax Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force in such area in the State of Hyderabad on such date as the Government may from time to time by notification in the Jarida specify in this behalf and different dates may be specified for different areas.

2. In this Act unless there is anything repugnant in the subject or context — Definitions.

(a) 'cinema show' means a show involving representation of moving pictures or series of pictures to which the public or any section of the public is admitted on payment ;

(b) 'prescribed' means prescribed by rules made under this Act ;

(c) 'proprietor' in relation to any cinema show includes any person responsible for the management thereof.

3. (1) In the case of cinema shows, in addition to any other entertainment or amusement tax levied in respect thereof under any other law for the time being in force, Taxation on cinema shows.

* Published in Gazette Extraordinary No. (126) dated 25th July, 1952.

there shall be paid to Government a tax calculated at the following rates, namely :—

(i) Cinemas in cities which at the last official census had a population of 50,000 or more	I. G. Rs. 5. per show
(ii) Cinemas in towns which at the last official census had a population exceeding 25,000 but below 50,000	I. G. Rs. 3. per show
(iii) Cinemas in other places and touring cinemas.	I. G. Rs. 2.

(2) The tax levied under sub-section (1) shall be recoverable from the proprietor.

(3) The rates of tax leviable under this section may from time to time, be altered or modified by Government by notification in the Jarida, provided that no rate in excess of any rate specified in sub-section (1) shall be fixed for any description of cinema show without the approval of the Hyderabad Legislative Assembly.

Submission of returns and payment of tax.

4. (1) The proprietor shall submit within the prescribed time, in the prescribed from to the prescribed officer a return showing the number of cinema shows shown by the proprietor in the previous month, the tax payable under this Act therein and the tax, if any, that has been paid in respect of such shows.

(2) All taxes (including penalty) payable under this Act shall be deposited within the prescribed time and in the prescribed manner along with a challan in the prescribed form and the sum deposited shall be credited to the prescribed head of account.

Power of entry and inspection.

5. (1) Any officer duly authorised in this behalf may enter any cinema building or enclosure or office and direct the proprietor or his agent or servant to produce all or any records, documents and registers to enable such officer to check the correctness of the returns submitted under section 4, to see that the records, documents and registers are correctly kept and generally to see that the taxes payable under this Act are being correctly and punctually paid.

(2) Every officer so authorised shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(3) The proprietor or person in charge of any place used for the cinema show shall give every reasonable assistance to authorised officer in the performance of his duties under sub-section (1).

Penalties.

6. If—

(a) the monthly return mentioned in section 4 is not submitted within the prescribed time, or

(b) the monthly return contains false information, or

(c) the tax payable for any month is not fully paid within the prescribed time,

the prescribed officer may, after making an enquiry in the prescribed manner, direct recovery from the proprietor of a penalty not exceeding the tax payable for the month for which the return was submitted or was due or for which the tax has not been fully paid, together with the unpaid tax for the month.

Appeal.

7. An appeal shall lie to the prescribed authority within the prescribed time and in the prescribed manner from an order passed under section 6.

Recovery of taxes and penalty.

8. All taxes and penalty payable under this Act shall be recoverable as arrears of land revenue.

Rules.

9. The Government may make rules consistent with this Act for carrying out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules for anything which under this Act may be prescribed.

THE HYDERABAD ALLOWANCES OF MINISTERS Act, XXIX of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title, and commencement.
2. Definition.
3. Allowances and amenities for the Chief Minister, other Ministers and Deputy Ministers.
4. (1) Charges payable by the Chief Minister and other Ministers.

   (2) Charges payable by the Government.
5. Travelling and daily allowances.
6. Medical attendance.

6-A. Advances for purchase of Motor-Cars.

7. Power to make rules and orders.

*THE HYDERABAD ALLOWANCES OF MINISTERS ACT, 1952.

No. XXIX of 1952.

An Act to provide for the allowances of the Chief Minister and other Ministers †[and Deputy Ministers] of the State of Hyderabad and for matters connected therewith.

Preamble.

Whereas in pursuance of the provisions of Article 164 (5) read with Article 238 of the Constitution of India, provision has been made by the Hyderabad Salaries of Ministers Act; 1952 (Hyderabsd Act No. XVII of 1952) for the Salaries of the Chief Minister and other Ministers † [and Deputy Ministers] of Hyderabad.

And whereas it is now expedient to provide also for their allowances in pursuance of the said provisions and for matters connected therewith ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Allowances of Ministers Act, 1952.

(2) It shall come into force at once.

Definition.

2. In this Act, 'residence' includes the staff quarters and other buildings appurtenant thereto and the gardens thereof.

3. Throughout the term of his office—

Allowances and amenities for the Chief Minister, other Ministers †[and Deputy Ministers.]

(a) the Chief Minister shall be entitled to the use of a fully furnished residence in the City of Hyderabad without payment of any rent and of two Government motor cars without payment of any hire and to meet the charges payable by him under the provisions of sub-section (1) of section 4, shall also be entitled to an allowance at the rate of I. G. Rupees 700 per month ;

(b) each of the other Ministers shall be entitled to the use of a fully furnished residence in the city of Hyderabad

*Published in Gazette Extraordinary No. (126) dated 25th July, 1952.

†Inserted by Act No. VI of 1954, published in Gazette Extraordinary No. (65) dated 16th March, 1954.

without payment of any hire and to meet the charges payable by him under the said provisions shall also be entitled to an allowance at the rate of I. G. Rs. 500 per month ; and

*[(c) each of the Deputy Ministers shall be entitled to a house allowance at the rate of I. G. Rs. 150 per month and a conveyance allowance at the rate of I. G. Rs. 200 per month.]

Charges payable by Chief Minister and other Ministers.

4. (1) The Chief Minister and the other Ministers shall in respect of the respective residences and motor cars allotted for their use under section 3, be liable to pay the following charges, namely :—

(a) cost of petrol and oil required for their respective motar cars ;

(b) charges for the consumption of electricity and water for their respective residences except charges for the consumption of water for their respective gardens ; and

(c) such other minor charges as Government may, by general or special order, direct.

Charges payable by Government.

(2) All other charges for the maintenance and upkeep of such residences and motor cars including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rates and taxes, and all expenditure for the lay out and the maintenance of the gardens included in such residences, shall be borne by Government.

Travelling and daily allowances.

†[5. The Chief Minister and each of the other Ministers *[and Deputy Ministers] shall be entitled to travelling and daily allowances while touring on public business, whether by land, sea or air, at such rates and upon such conditions as may be specified in rules and orders made in this behalf by the Government.

Explanation.— Travelling allowance for journeys by air shall include charge for air risk insurance cover at such rates and to such extent as may be specified in rules made by the Government in this behalf.

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*Amended by Act No. VI of 1954 published in Gazette Extraordinary No. (65) dated 16th March, 1954.

†Added by Act No. XX of 1953, published in Gazette Extraordinary No. (4) dated 4th January, 1954.

‡6. Subject to rules and orders made by the Government, the Chief Minister and each of the other Ministers *[and Deputy Ministers] and the members of the family of the Chief Minister or any other Minister, * [and Deputy Minister] as the case may be, who are residing with aud dependent on him, shall be entitled free of charge, to accommodation in hospitals maintained by Government and to medical attendance and treatment. Medical Attendance.

Explanation.— For the purposes of this section, 'a member of the family' means the husband, wife, son, daughter, father, mother, brother or sister.]

**[6. A. There may be paid to any Deputy Minister by way of a repayable advance for the purchase of a motor cars such sum of money and subject to such conditions as may be specified in rules and orders made in this behalf by Government.] Advances for purchase of Motor Cars.

‡[7. The Government may by notification in Jarida make rules and orders for the purposes of this Act.] Power to make rules and orders.

‡Added by Act No. XX of 1953, published in Gazette Extraordinary No. (4) dated 4th January, 1954.

*Added by Act No. VI of 1954, published in Gazette Extraordinary No. (65) dated 16th March, 1954.

** Inserted by Act No. XV of 1954, published in Gazette Extraordinary No. (96) dated 4th May, 1954.

THE HYDERABAD LAND (SPECIAL ASSESSMENT) ACT, No. XXXII of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title, and commencement.
2. Definitions.
3. Levy of additional special assessment in areas where resettlement is due.
4. Mode of recovery.
5. Alteration of rates of special assessment.
6. Power of Government to notify exemptions.
7. Power to make rules.
8. Bar of jurisdiction of Courts.
9. Power to remove difficulties.

Schedule.

* THE HYDERABAD LAND (SPECIAL ASSESSMENT) ACT, 1952.

No. XXXII of 1952.

An Act to provide for the levy of special assessment on certain lands in the State of Hyderabad.

Whereas it is expedient to provide for the levy of special assessments on certain lands in the State of Hyderabad; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Land (Assessment) Act, 1952. Short title extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall be deemed to have come into force on the 1st day of June, 1952.

2. In this Act unless there is anything repugnant to the subject or context— Definition.

(a) 'Notification' means a notification published in the Gazette and the expression 'notified' shall be construed accordingly;

(b) 'prescribed' means prescribed by rules made under this Act;

(c) 'year' means the agricultural year commencing on the 1st day of June.

(d) words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act (VIII of 1317 F).

3. In the Teluqs where resettlement is due and shown in the schedule there shall be levied a special assessment on lands for the year commencing on the first day of June, 1952. and for each subsequent year at the rates shown in the same schedule until the assessments in pursuance of resettlement operations are imposed: Levy of additional special assessment in areas where resettlement is due.

*Published in Gazette Extraordinary No. (133) dated 30th July, 1952.

Provided that the special assessment shall not be levied on the former non-Diwani areas where assessments have not been brought to the level of the adjoining Diwani areas:

Provided further that the special assessment shall not be levied on such lands of the Taluqas, mentioned in the schedule, which have been resettled at any time within the last 30 years before the first day of June, 1952, and the reassessed amount has already been imposed on those lands.

Mode of recovery.

4. (1) The special assessment made under this Act shall be in addition to the assessment which may be levied from a Pattedar if this Act had not been passed.

(2) Any special assessment made under this Act shall be recoverable as arrears of land revenue in such instalments if any, as may be prescribed.

Alteration of rates of special assessments.

5. Government may, by notification, alter with effect from such date as may be stated therein the rates of special assessments or add to the areas shown in the schedule.

Provided that no rate of special assessment shall be incrsased above the corresponding rate given in the schedule unless it is approved by a resolution of the Hyderabad Legislative Assembly.

Power of Government to notify exemptions.

6. The Government may, by notification, and subject to such restrictions and conditions as may be specified therein, exempt in whole or in part—

(1) any land from the levy of special assessments under this Act;

(2) any class of Pattedars from special assessments under this Act.

Power to make rules.

7. (1) Government may by notification, make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for—

(a) the person by whom or the authority by which special assessments shall be levied under this Act;

(b) the manner in which and the time within which special assessments may be livied under this Act;

(c) appeals against orders passed under this Act; the revision of orders passed on such appeals; the fees payable in respect of such appeals or applications for revision; and the time within which, the conditions subject to which, and the procedure according to which may be preferred or dealt with;

(d) the levy of any special assessment on land under this Act which has escaped such assessment and the period within which such levy may be made, provided that such period shall not exceed three years;

(e) the enforcement of the attendance of persons liable to special assessments, their examination on oath or affirmation and the production of documents;

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication in the Gazette.

Bar of Jurisdiction of Courts.

8. Except as provided by or under this Act, no order passed under this Act shall be questioned in any Court.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Government as occasion may require by order do anything which appears to the Government to be necessary for the purpose of removing the difficulty.

SCHEDULE

(See Section 3)

Srl. No.	Name of taluq where resettlement is due	Rates of special assessments Dry.	Wet.
		Two annas per rupee.	One anna per rupee.
1	Aurangabad ..	,,	,,
2	Kannad ..	,,	,,
3	Vaijapur ..	,,	,,
4	Gangapur ..	,,	,,
5	Khuldabad ..	,,	,,
6	Jalna ..	,,	,,
7	Bhokardan ..	,,	,,
8	Ambad ..	,,	,,
9	Paithan ..	,,	,,
10	Sillod ..	,,	,,
11	Mominabad ..	,,	,,
12	Gulbarga ..	,,	,,
13	Seram ..	,,	,,
14	Kodangal ..	,,	,,
15	Chincholi ..	,,	,,
16	Yadgir ..	,,	,,
17	Andole ..	,,	,,
18	Osmanabad ..	,,	,,
19	Latur ..	,,	,,
20	Kallam ..	,,	,,
21	Tuljapur ..	,,	,,
22	Ashti ..	,,	,,
23	Patoda ..	,,	,,
24	Bhir ..	,,	,,
25	Gevrai ..	,,	,,
26	Manjlegaon ..	,,	,,
27	Koppal ..	,,	,,
28	Deverkonda ..	,,	,,
29	Nizamabad ..	,,	,,

SCHEDULE—(Contd.)

(See Section 3)

Srl. No.	Name of taluq where resettlement is due		Rates of special assessments Dry.	Wet.
			Two annas per rupee.	One anna per rupee
30	Pakhal	..	,,	,,
31	Mulug	..	,,	,,
32	Palwancha	..	,,	,,
33	Mahdevpur	..	,,	,,
34	Sultanabad	..	,,	,,
35	Adilabad	..	,,	,,
36	Kinwat	..	,,	,,
37	Nirmal	..	,,	,,
38	Asifabad	..	,,	,,
39	Sirpur	..	,,	,,
40	Rajura	..	,,	,,
41	Chinnur	..	,,	,,
42	Laxettipet	..	,,	,,
43	Utnoor	..	,,	,,
44	Makhtal	..	,,	,,
45	Parkal	..	,,	,,
46	Khammam	..	,,	,,
47	Mahbubabad	..	,,	,,
48	Dharur	..	,,	,,
49	Jintur	..	,,	,,
50	Pathri	..	,,	,,

THE HYDERABAD (ABOLITION OF CASH GRANTS) ACT, No. XXXIII of 1952.

CONTENTS.

Preamble.

Sections.

1. Shorf title, extent and commencement.
2. Application of Act.
3. Certain cash grants to cease to have effect.
4. Power to make rules.
5. Power to remove difficulties.

Schedule.

* THE HYDERABAD (ABOLITION OF CASH GRANTS) ACT, 1952.

No. XXXIII of 1952.

An Act to discontinue certain classes of cash grants in the State of Hyderabad.

Whereas it is expedient to discontinue certain classes of cash grants in the State of Hyderabad : Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad (Abolition of Cash Grants) Act, 1952. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Hyderabad.

(3) It shall come into force on the date of its publication in the Gazette.

2. (1) This Act shall apply to the cash grants specified in the schedule †[except those which are subject to the rendering of service to religious or charitable institutions.] Application of Act.

(2) Government may, by notification, from time to time, add to the cash grants so specified.

3. (1) Subject to the provisions made by or under this Act † [all cash grants specified in part A of the Schedule] and which are payable or enforceable during the year commencing on the 1st day of April, 1952 and in any subsequent financial year, shall be discontinued and cease to have effect immediately on the commencement of this Act, notwithstanding anything contained in any law, sanad or order, custom or usage to the contrary. Certain cash grants to cease to have effect.

‡[(2) Subject to the provisions made by or under this Act and notwithstanding anything contained in any law,

* Published in Gazette Extraordinary No. (133) dated 30th July, 1952.

† Substituted by Act No. XXIII of 1954, published in Gazette Extraordinary No. (130) dated 9th August, 1954.

‡ Substituted by Act No. XXIII of 1954, published in Gazette Extraordinary No. (130) dated 9th August, 1954.

sanad or order, custom or usage to the contrary, all cash grants specified in Part B and Part C of the schedule and which are payable or enforceable during the year commencing on the first day of April, 1954 and in any subsequent financial years shall be discontinued and cease to have effect on the first day of July, 1954 subject to the condition that—

(a) in the case of everycash grant specified in Part B of the schedule compensation amounting to a sum equal to six times the annual amount payable to the grantee shall be paid to him in cash either in full or in annual instalments not exceeding twelve ;]

‡ [(b) in the case of a cash grant specified in Part 'C' of the Schedule, the grant shall be discontinued and cease to have effect :

Provided, however, that in respect of each of the cases specified in column 1 below the grant shall be continued subject to the conditions specified against such case, during the period mentioned in column 2, namely :—

Column 1.	*Column 2.*
(1) Where the age of the grantee, whether male or female, was not less than 60 years on the 1st day of April, 1954.	Till the date of the death of the grantee.
(2) Where the age of the grantee was less than 60 years on the 1st day of April, 1954.	
(*i*) if male, in case the grantee is incapable of earning a livelihood on account of being blind, deaf, dumb and mute, mentally deranged, crippled or paralytic.	from date of abolition till date of the death of the grantee.
(*ii*) if a widow, so long as she remains widow.	
(3) Where the grantee is a minor—	
(*i*) if male, in case such cash grant is his only source of income.	from date of abolition till date of attainment of 18 years.
(*ii*) if female,	from date of abolition till date of marriage or date of attainment of eighteen years whichever is earlier.

‡ Substituted by Act No. XIV of 1956 published in Gazette Extraordinary No. (124) dated 13th June, 1956.

Provided further that in each of the cases mentioned in items (2) and (3) above, where the grantee is in receipt of more than one grant, but has no other source of income for a livelihood, the grantee shall be eligible to receive only the grant of the highest amount.]

(3) Where a cash grant to which this Act applies is subject to the rendering of any service, the grantee shall on the date of discontinuance of the grant, stand released of the liability to render that service.]

Power to make rules.

4. The Government may, from time to time, make rules for carrying out the purposes of this Act.

Power to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order do anything which appears to Government to be necessary for the purpose of removing the difficulty.

SCHEDULE

*[PART A.]

Rusums payable to

(1) Sardesmukhs,
(2) Sardeshpandyas,
(3) Desmukhs,
(4) Despandyas,
(5) Dastbandars.

*[PART B.

Mansab Maviza Jagir including Jagir Pension.
,, Maviza Qarza,
,, Maviza Arazi,
,, Maviza Abkari,
,, Maviza Sair,
,, Maviza Aslaha, Kutub, Dookan, Safai,
,, Imtiazi,
Mansab Nazam Mahwars.
Mahwarat Walajahi issued in lieu of Jagirs.

*PART C.

Ordinary Mansabs, Riayeti, Khas and Mutaferiq Mahwars, Mash, Youmia, Mamool, Saliyana, Customs Mukasas and Agrahars, Mahwarat Walajahi (other than those issued in lieu of Jagirs), Tahrir Sarishtadari, Wiqai Nigari.]

* Inserted by Act No. XXIII of 1954. published in Gazette Extraordinary No. (130) dated 9th August, 1954.

THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, NO. XXXIV OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 1,61,02,000 out of the Consolidated Fund of the State of Hyderabad for the year 1952–53.
3. Appropriation.

Schedule.

*THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1952.

NO. XXXIV OF 1952.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for service of the year ending on the 31st day of March, 1953.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1953;

IT is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation Act, 1952.

(2) It shall come into force at once.

Issue of Rs. 1,61,02,000 out of the Consolidated Fund of the State of Hyderabad for the year 1952-53.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of one crore sixty-one lakhs and two thousand rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1953, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1953.

*Published in Gazette Extraordinary No. (177) dated 30th July 1952.

SCHEDULE

(*See Sections 2 and 3*)

Srl. No.	Services and purposes	Sums not exceeding		Total
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	
1	2	3	4	5
1	Land Revenue	...	1,08,000	1,08,000
2	Forests	...	4,00,000	4,00,000
3	Other Taxes and Duties ...	...	40,000	40,000
4	Other Revenue Expenditure financed from Ordinary Revenues—Works for which no capital accounts are kept	...	25,00,000	25,00,000
5	Appropriation for reduction or avoidance of Debt ..	50,00,000	...	50,00,000
6	General Administration ..	...	12,00,000	12,00,000
7	Administration of Justice ..	...	40,000	40,000
8	Education	...	10,48,000	10,48,000
9	Medical	...	5,50,000	5,50,000
10	Public Health	...	2,50,000	2,50,000
11	Veterinary	...	1,75,000	1,75,000
12	Co-operation	...	1,50,000	1,50,000
13	Industries and Supplies ...	...	1,00,000	1,00,000
14	Miscellaneous Departments ...	...	10,00,000	10,00,000
15	Civil Works	...	38,000	38,000
16	Miscellaneous	...	25,53,000	25,53,000
	Grand Total	50,00,000	1,01,52,000	1,51,52,000
	Expenditure :			
17	Investment in shares of Commercial Concerns ...	...	2,00,000	2,00,000
18	Loan and Advances by State Government ...	...	7,50,000	7,50,000
	Grand Total ...	50,00,000	1,11,02,000	1,61,02,000

THE HYDERABAD LABOUR HOUSING ACT, 1952.

NO. XXXVI 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

GENERAL.

3. Liability of the Corporation regarding provision of houses for employees.

ESTABLISHMENT OF THE CORPORATION.

4. Establishment and incorporation of Hyderabad Labour Housing Corporation.
5. Authentication of orders, decisions, etc.
6. Disqualification.
7. Offices of the Corporation.
8. Staff of the Corporation.
9. Meeting of the Corporation.
10. Additional measures which the Corporation may promote.
11. Supersession of the Corporation.
12. Duties of officers of the Corporation.
13. Acts of the Corporation not invalid by reason of informality, etc.
14. Local Committees.

FINANCE AND AUDIT.

15. The Hyderabad Labour Housing Fund.
16. Grants by the Government.
17. Purpose for which the Fund may be expended.
18. Holding of property, etc.
19. Grants by the Government to be treated as loan.
20. Budget Estimates.

CONTENTS.

21. Accounts.

22. Audit.

23. Annual Report.

24. Budget to be placed before the Legislature.

25. Valuation of assets and liabilities.

POWERS OF THE CORPORATION, ETC.

26. Provisions regarding housing accommodation.

27. Housing accommodation to be in good habitable condition.

28. Duty of the Corporation to inspect working class houses.

29. Provisions relating to acquisition proceedings.

MISCELLANEOUS.

30. Conditions relating to housing accommodation provided by employers.

31. Conditions relating to housing accommodation provided by employer after commencement of the Act.

32. Inspectors, etc. their functions and duties.

33. Exemptions.

34. Persons acting under Act are public servants.

35. Bar of suits, etc.

36. Delegation of powers and duties of the Government.

37. Rent recoverable as arrears of land Revenue.

38. Amount due to have priority over other debts.

39. Penalty for contravention of Act, rule or regulation.

40. Penalty of certain contraventions.

41. Prosecution subject to previous sanction of the Government or the Corporation.

42. Power of the Government to make rules.

43. Power of the Corporation to make regulations.

THE HYDERABAD LABOUR HOUSING ACT, 1952.

NO. XXXVI OF 1952.

An Act for making provision for proper housing for labour.

WHEREAS it is expedient to provide for the welfare of labour by making provision, for proper housing accommodation and for other connected purposes; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Labour Housing Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force from the date of its publication in the Jarida.

2. (1) In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*i*) 'Corporation' means the Hyderabad Labour Housing Corporation established under this Act;

(*ii*) 'duly appointed' means appointed in accordance with the provisions of this Act or the rules, regulation or orders made or passed thereunder;

(*iii*) 'employee' means any person who is employed for hire or reward to do any work; skilled or unskilled, manual or clerical, and also includes any person declared to be an employee by the Government by notification in the Jarida;

(*iv*) 'employer' means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees and includes,

(*a*) in a factory the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier and where a person has been named as the manager of the factory under clause (*f*) of sub-section (1) of section 7 of the Factories Act, 1948 the person so named;

(*b*) the person appointed by any local authority for the supervision and control of employees or where no person is appointed the executive officer of the local authority;

(*c*) in any other case any person responsible for the supervision and control of the establishment;

(*v*) 'fund' means the Hyderabad Labour Housing Fund constituted under section 15;

(*vi*) 'house' includes any yard, garden, out houses and appurtenances belonging thereto or usually enjoyed therewith;

(*vii*) 'land' includes any right over land;

(*viii*) 'local authority' means a Municipal Corporation, a Municipal Committee, a town Committee, a district board or such other body or authority as may be legally entitled to or entrusted by the Government with the control or management of a municipal or local fund;

(*ix*) 'owner' in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to sell the building or land, and includes also a person holding or entitled to the rents and profits of the building or land;

(*x*) 'prescribed' means prescribed by rules made under this Act;

(*xi*) 'regulatoin' means a regulation made by the Corporation;

(*xii*) 'wages' means all remuneration capable of being expressed in terms of money, earned under the terms of his contract of employment, express or implied, by an employed person in respect of his employment or of work done in such employment and includes any sum payable to such person to counteract abnormal economic conditions but does not include—

(*a*) the value of any house accommodation, supply of light, water, medical attendence or other amenity or of any service excluded by general or special order of the Government;

(*b*) any contribution paid by the employer to any pension fund or provident fund;

(*c*) any travelling allowance or the value of any travelling Concession;

(*d*) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;

(*e*) any gratuity payable on discharge; or

(*f*) any sum earned as overtime pay, bonus or additional remuneration for increased output, or any other additional remuneration of the nature aforesaid, and any sum payable to such person by reason of the termination of his employment;

(*xiii*) 'working class' includes mechanics, artisans, labourers and others working for wages, hawkers, persons not working for wages but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed on an average one hundred and twenty-five rupees a month, and the families of any of such persons who may be residing with them.

(2) For the purposes of any provisions of this Act relating to the provision of housing accommodation the expression 'house' includes, unless the context otherwise requires, any part of building which is occupied or intended to be occupied as a separate dwelling.

General.

Liability of the Corporation regarding provision of houses for employees.

3. It shall be the duty of the Corporation to provide proper houses for employees as near as possible to their place of work of such types and designs and in accordance with such schemes as the Government may approve.

Establishment of the Corporation.

Establishment and incorporation of Hyderabad Labour Housing Corporation.

4. (1) The Government shall, by notification in the Jarida constitute a Hyderabad Labour Housing Corporation to prepare and carry out, subject to the previous approval of the Government, schemes financed from the Hyderabad Labour Housing Fund for the provision of suitable housing accommodation for employees and to

carry out the other functions of the Hyderabad Labour Housing Corporation under this Act.

(2) The Corporation shall consist of the following members:

(*a*) The Hon'ble Minister for Labour who shall be the Chairman.

(*b*) Six persons nominated by the Government, one whom shall be a woman.

(*c*) Three persons nominated by the Government to represent the interests of employers.

(*d*) Three persons nominated by the Government to represent the interests of employees:

Provided that the representative of employers and employees shall be nominated in consultation with their respective organizations.

(3) Three Corporation shall be a body corporate by the name of the Hyderabad Labour Housing Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Authentication of orders, decisions, etc.

5. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or some other member authorized by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorized in this behalf.

Disqualification.

6. A person shall be disqualified for being chosen as or for being a member of the Corporation:—

(*a*) if he is declared to be of unsound mind by a competent Court; or

(*b*) if he is an undischarged insolvent; or

(*c*) if he has directly or indirectly by himself or by his partner any interest in subsisting contract with, or any work being done for, the Corporation except of a shareholder (not being a Director) of a Company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or

imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

Officers of the Corporation.

7. The Corporation may with the approval of the Government and subject to such conditions of service as may be prescribed, appoint officers of the Corporation to posts whose maximum monthly salary is five hundred rupees and above.

Staff of the Corporation.

8. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its work, provided that the sanction of the Government shall be obtained or the creation of any post with a maximum monthly salary of two hundred rupees and above.

(2) The Corporation shall, with the approval of the Government, make regulations regarding the method of recruitment pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred rupees and above shall be made in consultation with the Public Service Commission :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding six months.

Meetings of the Corporation.

9. Subject to any rules made under this Act, the Corporation shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at their meetings as may be specified by regulations made in this behalf.

Additional measures which the Corporation may promote.

10. The Corporation may, in addition to preparing and carrying out schemes for the provision of suitable housing accommodation for employees, promote measures directed towards,—

(*i*) the provision of gardens, playgrounds, recreational and educational facilities ;

(*ii*) the improvement of public health and sanitation ;

(*iii*) provision of water supplies and facilities for washing;

(*iv*) the provision of transport to and from work; and many incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Supercession of the Corporation.

11. (1) If in the opinion of the Government the Corporation persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, the Government may, by notification in the Jarida, supersede the Corporation:

Provided that before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation, all the members of the Corporation shall as from the date of such publication, be deemed to have vacated their offices.

(3) When the Corporation has been superseded, the Government may,—

(*a*) immediately nominate or cause to be nominated new members to the Corporation in accordance with sub-section (2) of section 4.

(*b*) in its discretion appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(4) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Hyderabad Legislature, at the earliest opportunity.

Duties of officers of the Corporation.

12. The Officers appointed in accordance with section 7 shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

13. No act of the Corporation shall be deemed to be invalid by reason of any defect in the constitution of the Corporation or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation. Acts of the Corporation not invalid by reason of informality, etc.

14. The Corporation may, subject to the approval of the Government, appoint local committees in such areas and in such manner and delegate to them such powers and functions as may be prescribed. Local Committee.

Finance and Audit.

15. (1) The corporation may accept grants, donations, gifts and loans from the Central Government, State Government or any local authority or any individual or body whether incorporated or not for all or any of the purposes of this Act. The Hyderabad Labour Housing Fund.

(2) All such moneys received on behalf of the Corporation and all proceeds, rents, interests, profits and other moneys shall be paid into a Fund called the Hyderabad Labour Housiug Fund which shall be held and administered by the Corporation for the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into the Government treasury or any such bank as may be approved by the Government to an account styled the accout of the Hyderabad Labour Housing Fund.

(4) Such accounts shall be operated on by such Officers as may be authorised by the Corporation.

16. (1) The Government shall, every year during the first three years, make a grant to the Corporation of a sum equivalent to two-thirds of the administrative expenses of the Corporation not including therein the cost or any schemes of housing for which provision has been made by or under this Act. Grants by the Government.

(2) The Corporation shall on such date as the Government may specify in this behalf, furnish a statement to the Government showing the amount required by the Corporation during the ensuing year to execute the housing schemes, and on receipt of such statement the Government shall, after satisfying itself of the correctness of the statement, make a grant to the Corporation of such amount, not exceeding the amount specified in the said statement. The said statement shall be in such form and shall contain such particulars as the Government may specify in this behalf:

Provided that the entire grant or such portion of it as may be fixed by the Government may be made as a loan to the Corporation.

Purpose for which the Fund may be expended.

17. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Hyderabad Labour Housing Fund shall be expended only for the following purposes, namely :—

(*i*) defraying the cost of erecting or re-erecting and maintaining and repairing housing accomodation for employees and providing services and facilities connected therewith ;

(*ii*) defraying the cost of preparing schemes, and of acquiring any land, required for the purposes referred to in clause (*i*) ;

(*iii*) payment of grants, subject to the previous approval of the Government, to a local authority or any employer, of money in aid of any scheme approved by the Corporation for the purposes referred to in clauses (*i*) and (*ii*) and in section 10 ;

(*iv*) payment of fees and allowances to members of the Corporation and local committees ;

(*v*) payment of salaries, leave and joining time allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purposes of giving effect to the provisions of this Act ;

(*vi*) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities ;

(*vii*) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or by any officer duly authorised by the Corporation in that behalf ;

(*viii*) payment of any sums under any decree or order of any court against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation ;

(*ix*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(*x*) defraying expenditure, within the limits prescibed, on measures referred to in section 10 ; and

(*xi*) such other purposes as may be authorised by the Corporation with previous approval of the Government.

Holding of property, etc.

18. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer, or enter into hire-purchase agreements regarding any movable or immovable property which may have been acquired by it and do all things necessary for the purposes for which the Coaporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act, and may, subject as aforesaid from time to time, reinvest or realize such investments.

(3) The Corporation may, with the previous sanction of the Government, and on such terms as may be prescribed by it, raise loans including any loans that may be

advanced by the Central Government and take measures for discharging such loans.

(4) The Corporation may, with the approval of the Government constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

Grants by the Government to be treated as loan.

19. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation, and such loan and all moneys granted as loans by the Government to the Corporation shall be recoverable with interest at three per cent. per annum in such maner as may be prescribed.

Budget Estimates.

20. The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the duties of the Corporation and for the maintenance of a working balance.

Accounts.

21. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

22. (1) The accounts of the Corporation shall be audited at such time and in such manner as may be prescribed by auditors appointed by the Government.

(2) The auditors shall, at all reasonable times have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call for such explanation and information as they may require or examine any officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

23. The Corporation shall submit to the Government an annual report of its works and activities. Annual Report.

24. The annual report, the audited accounts of the Corporation and the budget as finally adopted by the Corporation shall be placed before the Hyderabad Legislature for information and published in the Jarida. Budget to be placed before the Legeslature.

25. The Corporation shall, at intervals of three years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Government: Valuation of assets and liabilities.

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

Powers of the Corporation, etc.

26. (1) The occupation by any person of any housing accommodation provided out of the Hyderabad Ladour Housing Fund shall be subject to compliance by that person at all times with such conditions relating to his occupation of such accommodation as may be prescribed. Provisions regarding housing accommodation.

(2) Before any person occupies and such accommodation he shall be furnished with a copy of the conditions referred to in sub-section (1) and if he so desires the said conditions shall be read over and explained to him in a language which he understands; and the Corporation shall cause to be published in such manner as it thinks best adapted for informing the persons concerned any changes which may from time to time be made in the said conditions.

(3) If in the opinion of the Corporation any person in occupation of any such accommodation fails or ceases to comply with any of the conditions referred to in sub-section (1), it may, by notice in writing, require him to vacate the accommodation on or befor such date, not being less than thirty days, after the service of the notice as may be specified in the notice; and the occupation of such accommodation by such person or any dependent of his after the date so specified shall be unlawful, and such person or dependent may be evicted accordingly by the due process of law from such accommodation.

(4) There shall be payable by emyloyees in respect of the occupation of any such accommodation as aforesaid rent at such rate as may be prescribed not exceeding:—

(*i*) Where a single employee occupies such accommodation, $2\frac{1}{2}$ per cent. per annum of the capital cost of the accommodation or 10. per cent. of the wages of such employee whichever is less; and

(*ii*) where more than one employee occupies such accommodation $2\frac{1}{2}$ per cent. per annum of the capital cost of the accommodation or 15 per cent. of the wages of the highest paid employee among them, whichever is less.

(5) There shall be payable by an employer in respect of the houses occupied by each of his employees, rent for the accommodation provided at such rate as may be prescribed not exceeding 5 per cent. per annum of the capital cost of the accommodation.

(6) (*i*) All rent payable by the employee in respect of the occupation of such accommodation as aforesaid shall in the first instance be paid by the employer of the employee occupying the accommodation.

(*ii*) Notwithstanding anything contained in any other enactment but subject to the provisions of any regualtions, if any, under this Act, the employer shall be entitled to recover the rent paid by him under clause (*i*) by deductions from the wages of the employee concerned and not otherwise.

Housing Accommodation to be in good habitable condition.

27. It shall be the duty of the Corporation to keep the housing accommodation under its control in a good habitable condition.

Duty of the Corporation to inspect working class houses.

28. It shall be the duty of the Corporation to cause an inspection to be made from time to time of houses occupied by working class people and the areas in which such houses are located with a view to ascertian whether such houses are fit for human habitation, and whether such areas are maintained in a proper condition so as to ensure the safety, health and well-being of working class people.

Provisions relating to acquisition proceedings.

29. (1) Any land required by the Corporation for carrying out its functions under this Act shall be deemed to be needed for public purpose and such land shall be acquired for the Corporation as if the provisions of Chapter VII of the Hyderabad Land Acquisition Act (IX of 1309 F.) except provisions of section 35 and 36, were applicable to it and the Corporation were a company within the meaning of clause (*d*) of section 2 of the said Act.

(2) The Government may, by notification in the Jarida, appoint any officer of the Corporation to be a Land Acquisition Officer in respect of lands to be acquired by Corporation and thereupon such officer shall exercise the powers and perform the duties of a Collector in respect of those lands under the Hyderabad Land Acquisition Act (IX of 1309 F.)

(3) Any order of acquisition of land or any award of any compensation in respect of any acquisition of land by or for the Corporation shall be subject to the provisions of the Hyderabad Land Acquisition Act (XI of 1309 F.).

Miscellaneous.

Conditions relating to housing accommodation provided by employers.

30. Notwithstanding any provision of law for the time being in force, if any employer has provided housing accommodation for his employees, such employer and employees shall comply with such provisions as may be prescribed regulating (*i*) the occupation of such accommodation, (*ii*) the rents payable for such occupation, (*iii*) the proper maintenance of such accommodation, (*iv*) the rights and liabilities of the employer and the employees in respect of such accommodation and (*v*) the circumstances in which such employees can be evicted from such accommodation.

Conditions relating to housing accommodation provided by employer after commencement of the Act.

31. Save as otherwise provided by this Act, after the commencement of this Act, where any employer provides housing accommodation for his employees such housing accommodation shall comply, and be in accordance with, such conditions and provisions as may be prescribed.

Inspectors, etc. their functions and duties.

32. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purpose of this Act, within such local limits as it may assign to them.

(2) Any inspector appointed by the Corporation under sub-section (1) or any other official of the Corporation authorised by it in this behalf, may with such assistance, if any, as he thinks fit, enter, at all reasonable times, any place which he considers it necessary to enter for the purpose of supervising or carrying out the measures financed from the fund and may do therein anything reasonably necessary for the proper discharge of his duties.

(3) Any person appointed or authorized in this behalf under any rule or order made under this Act may, with such assistance as he thinks fit, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the proper discharge of his duties.

Exemptions.

33. (1) The Government may, by notification in the Jarida and subject to such conditions as may be specified in the notification, exempt any person, or class of persons, or any employer or class of employers, any employee or class of employees from one or more of the provisions of this Act.

(2) No exemption shall be granted under sub-section (1) unless a reasonable opportunity is given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

Persons acting under Act are public servants.

34. All members, officers and servants of the Corporation and all persons appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order thereunder shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Bar of suits, etc.

35. (1) No suit, prosecution or other legal proceeding shall lie against any person in the employment of the Corporation or against any person appointed or authorised to perform any duty or exercise any power under

any provision of this Act or under any rule or order thereunder for anything which is in good faith done or purported to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Corporation or the Government, or any officer or authority subordinate to the Government for any damage caused, or likely to be caused, by anything in good faith done or purported to be done under this Act.

Delegation of powers and duties of the Government.

36. The Government may, by notification in the Jarida, direct that any power or duty which under any of the provisions of this Act is conferred or imposed on the Government other than those conferred or imposed by sections 3, 4, 6, 7, 11, 14, 16, 29, 33 and 42 shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised, or discharged, by any authority or officer sub-ordinate to the Government.

Rent recoverable as arrears of land revenue.

37. If any employer fails or neglects to pay any rent which under this Act, he is liable to pay on behalf of his employee and on his own behalf, the amount so payable may be recovered as if it were an arrear of land revenue.

Amount due to have priority over other debts.

38. There shall be deemed to be included among the debts which, under section 63 of the Hyderabad Insolvency Act, 1351 F., or under section 230 of the Indian Companies Act, 1913, are in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any amount payable under this Act the liability wherefor accrued before the date of order of adjudication of the insolvent or the date of winding up, as the case may be.

Penalty for contravention of Act, rule or regulation.

39. Whoever contravenes any provision of this Act or any rule or regulation made thereunder shall, without prejudice to any other penalty to which he may be liable and if no other penalty is provided by or under this Act for such contravention, be punishable with imprisonment which may extend to three months, or with fine, or with both.

Penalty of certain contraventions.

40. If any person—

(*a*) fails to pay any rent which by or under this Act he is liable to pay ; or

(*b*) fails or refuses to submit any return required by the rules or regulations or makes a false return ; or

(*c*) obstructs any inspector, or other official of the Corporation, or any other competent authority or person in the discharge of his duties,

he shall be punishable with fine which may extend to Rs. 1,000.

Prosecution subject to previous sanction of the Government or the Corporation.

41. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Corporation, or by or with the previous sanction of the Government.

(2) No Court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

Power of the Government to make rules.

42. (1) The Government may, subject to the condition of previous publication, make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide for :

(*i*) the manner in which and the conditions subject to which the rent payable under sub-sections (4) and (5) of section 26 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries and the procedure to be followed in remitting the rent to the Corporation, Treasury or the State Bank as the case may be ;

(*ii*) the term of office of the members of the Hyderabad Labour Housing Corporation the allowances, if any, payable to them, the manner in which the Corporation shall conduct its business including the numbers of members necessary to form a quorum at a meeting thereof and the minimum number of meetings of the Corporation ;

(*iii*) the records to be kept of the transaction of business by the Corporation and the Local Committee ;

(*iv*) the powers and duties of officers appointed under section 7 and the conditions of their service ;

(*v*) the procedure to be adopted in the execution of any contracts;

(*vi*) the acquisition, holding and disposal of property by the Corporation;

(*vii*) the raising and repayment of loans and the repayment of the sums due to the Government;

(*viii*) the investment of funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(*ix*) the treasury or the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorized;

(*x*) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited;

(*xi*) the publication of the accounts of the Corporation and the report of the auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(*xii*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(*xiii*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation;

(*xiv*) the returns to be submitted by any employer or owner, the form in which and the items at which such returns shall be submitted and the particulars to be given in such returns;

(*xv*) the appointment of persons to ensure compliance with any rules or orders and the powers and duties of such persons.

(*xvi*) the management and use of the buildings constructed under any Housing Scheme;

(*xvii*) the principles to be followed in the allotment of houses and premises;

(*xviii*) any matter which is required or allowed by this Act to be prescribed.

(3) Rules made under this section shall be published in the Jarida and thereupon shall have effect as if enacted in this Act.

Power of the Corporation to make regulations.

43. (1) The Corporation may, subject to the condition of previous publication, make regulations not inconsistant with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(*i*) the duties and powers of inspectors and other officers and servants of the Corporation ;

(*ii*) the conditions of service of the officers and servants of the Corporation other than the officers appointed under section 7 ; and

(*iii*) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made under this section shall be published in the Jarida and thereupon shall have effect as if enacted in this Act.

THE COMMITTEES OF INQUIRY (EVIDENCE) (REPEALING) ACT, No. XXXVIII OF 1952.

CONTENTS.

Preamble.

Sections.

1. **Short title, extent and commencement.**
2. **Repeal of Hyderabad Act, XVIII of 1356 F.**

THE COMMITTEES OF INQUIRY (EVIDENCE) (REPEALING) ACT, 1952.

No. XXXVIII OF 1952.

An Act to repeal the Committees of Inquiry (Evidence) Act, 1356 Fasli.

Whereas in consequence of the enactment of the Commissions of Inquiry Act, 1952 (Central Act No. LX of 1952), it is expedient to repeal the Committees of Inquiry (Evidence) Act, 1356 Fasli Hyderabad Act No. XVIII of 1356 Fasli); Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Committees of Inquiry (Evidence) (Repealing) Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force at once.

2. The Committees of Inquiry (Evidence) Act, 1356 Fasli, is hereby repealed. Repeal of Hyderabad Act, XVIII of 1356 F.

THE HYDERABAD COMPULSORY PRIMARY EDUCATION ACT, No. XL OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of Local Committees.
4. Power of Director or other officer to attend meetings of Local Committees.
5. Powers, duties and functions of the Local Committees.
6. Obligation of the guardian to send children to schools.
7. Exemption from attendance.
8 Issue of attendance order.
9. Penalty for failure to cause a child to attend school.
10. Provision of free education by State Government.
11. Inspection of offices, books and accounts of Local Committees.
12. Power to make rules.
13. Repeal.

*THE HYDERABAD COMPULSORY PRIMARY EDUCATION ACT, 1952.

NO. XL OF 1952.

An Act to provide for Free Compulsory Primary Education in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to provide for free compulsory primary education in pursuance of the declared policy of Government that universal, free and compulsory primary education should be introduced in the State of Hyderabad by a definite programme of progressive expansion;

It is hereby enacted as follow:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Compulsory Primary Education Act, 1952.

Definitions.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force in such areas and from such dates as the Government may, by notification in the Jarida appoint, and different dates may be appointed for different areas.

2. In this Act, unless there is anything repugnant in the subject or context—

(*i*) "approved school" means a school maintained by the Government or a part of such school in which primary education up to any standard imparted, and at which no fee is charged for instruction;

(*ii*) "area of compulsion" means the area in which primary education up to any standard, is compulsory;

(*iii*) "child" means a boy or girl whose age is not less than six years and not more than eleven years, at the beginning of the school year;

Explanation.—For the purpose of this definition, school year means the year beginning on such date as the Director may fix.

* Published in Gazette Extraordinary No. 195 Dated 20th Dec, 1952.

(*iv*) "director" means the Director of Public Instruction of the State of Hyderabad;

(*v*) "guardian" includes the parent and any person who has the actual custody and care of a child;

(*vi*) "local committee" means the Committee constituted under section 3;

(*vii*) "prescribed" means prescribed by rules made under this Act;

(*viii*) "primary education" means education in such subjects and up to such standard as may be determined by the Government, from time to time.

(*ix*) "recognised school" means a school or a part of such school; other than an approved school or a special school, in which primary education up to any standard is imparted, and which is, for the time being, recognised by the Director, irrespective of whether fee for instruction is or is not charged therein;

(*x*) "school" means an approved school, a special school or a recognised school;

(*xi*) "special school" means a school maintained by the Government or a part of such school in which primary education up to any standard is imparted, and which is permitted to charge fee for instruction;

(*xii*) "to attend" used with reference to a school means to be present for instruction at the school on such dates and for such time and for such periods of each day as may be required under regulations framed by the Local Committee for that area with the approval of the Director.

Constitution of Local Committees.

3. (1) For each area of compulsion, or two or more such areas which are contiguous, Government shall appoint a Local Committee.

(2) The composition of the Local Committee, the procedure of nomination and removal of its members, their term of office, their qualifications and disqualifications for continuing as members, the filling up of vacancies the dissolution of the Local Committee and the procedure for the conduct of its business, shall be such as may be prescribed.

Power of Director or other officer to attend meetings of Local Committees.

4. The Director or an officer nominated by him for this purpose shall have power to attend the meetings of the Local Committees or to call a meeting of the Local Committee to discuss and advise the authorities concerned on matters connected with compulsory primary education in the area, provided however that he shall not vote at such meetings.

Powers, duties and functions of the local Committees.

5. Subject to the provisions of this Act and the rules made thereunder, the Local Committee shall exercise and discharge the following powers and functions namely:—

(*i*) to determine the exact location of primary schools in its area of compulsion;

(*ii*) to carry on propaganda for the spread of primary education among the children of its area of compulsion;

(*iii*) to recommend to the Director any changes which may seem to the Local Committee to be necessary in the hours of work, holidays and vacations in the schools in its area;

(*iv*) to make arrangements to provide such facilities as may be prescribed for the poor children attending school in its area;

(*v*) to grant exemptions from compulsory attendance at schools under this Act;

(*vi*) to maintain an up-to-date list of chilren liable to attend school in its area and to obtain and keep a record of such other information as may be necessary for the purpose of enforcing the attendance of children at school and of preventing interference with such attendance;

(*vii*) to render all necessary help to Government officials engaged in the work of compulsory primary education in its area.

Obligation of the guardian to send children to school.

6. Where a notification under sub-section (3) of section 1 is in force in any area, every guardian of a child shall, if such guardian ordinarily resides in such area, cause the child to attend a school.

Exemption from attendance.

7. (1) Where there is reasonable excuse for non-attendance of a child at school, the guardian of the child may apply to the Local Committee for a certificate of exemption.

(2) A child may be exempted from compulsory attendance at school under this Act—

(*a*) when there is no school within a distance of one mile measured along the nearest road from the residence of the child,

(*b*) where it is impracticable or inexpedient to attend the school on account of illness, disease, injury, affliction, infirmity or any other cause whether of a like nature or not which is regarded as sufficient by the Local Committee, subject to such restrictions as may be prescribed in this behalf, or

(*c*) on such other grounds as may be precribed.

(3) An appeal against an order refusing to grant a certificate of exemption from attendance at school, shall lie to the Director, whose decision shall be final.

Issue of attendance order.

8. When a Local Committee has reason to believe that a guardian of a child who is bound, under the provisions of this Act to cause the child to attend a school, has failed to do so, or that any person, other than the guardian, is utilising the time or services of a child in connection with an employment whether for remuneration or not, in any such way or at such time as to interfere with the attendance of the child at a school, it shall make an order directing the guardian or such other person to cause such child to attend school on and from a date specified in the order, or as the case may be, to refrain from utilising the services of a child from such date so as not to interfere with his attendance at the school.

Penalty for failure to cause a child to attend school.

9. (1) When a Local Committee is satisfied that a guardian has failed to cause his child to attend school or that any other person is interfering with such attendance, of a child even after the issue of an attendance order under section 8, it shall report the matter to the Inspector of Schools, who shall cause a complaint to be lodged

against such a guardian or other person, with the Magistrate having local jurisdiction.

(2) Any person proved to the satisfaction of the Magistrate, to have contravened an attendance order passed under section 8, shall be liable to a fine not exceeding five rupees and to a further fine not exceeding annas eight per day if such contravention continues after the first conviction.

Provision of free education by State Government.

10. Arrangements shall be made by Government to provide free instruction in approved schools for children whose attendance at school under this Act is made compulsory and whose guardians do not arrange for their instruction in special schools or recognised schools.

Inspection of offices, books and accounts of Local Committees.

11. The office, books and accounts of every Local Committee shall be open to inspection by the concerned officers of the Education Department.

Power to make rules.

12. Government may by notification in the Jarida make rules to carry out the purposes of this Act and in particular and without prejudice to the generality of the foregoing power such rules may provide for anything which may be prescribed under this Act;

Repeal.

13. All previous enactments, rules and regulations in force in the matter of compulsory primary education, are hereby repealed.

THE HYDERABAD CONTINGENCY FUND ACT, 1952.

NO. XLIII OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Establishment of the Contingency Fund of the State of Hyderabad.
3. Custody of the Contingency Fund and withdrawals therefrom.
4. Power to make rules.

*THE HYDERABAD CONTINGENCY FUND ACT, 1952.

No. XLIII of 1952.

An Act to provide for the establishment of a Contingency Fund for the State of Hyderabad.

Preamble.

WHEREAS Article 267, Clause (2), of the constitution of India, provides that the Legislature of a State may by law establish a Contingency Fund in the nature of an imprest;

AND WHEREAS it is expedient to establish such a Contingency Fund for the State of Hyderabad;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Contingency Fund Act, 1952.

(2) It shall come into force at once.

Establishment of the Contigency Fund of the State of Hyderabad.

2. There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of the State of Hyderabad, into which shall be paid from and out of the Consolidated Fund of the State a sum of I. G. one crore of rupees,

Custody of the Contingency Fund and withdrawals therefrom.

3. The Contingency Fund of the State of Hyderabad shall be held on behalf of the Rajpramukh by the Secretary to the Government of Hyderabad in the Department of Finance, and no advances shall be made out of such Fund except for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the Hyderabad Legislative Assembly under appropriations made by Law.

Power to make rules.

4. For the purpose of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from, the Contingency Fund of the State of Hyderabad.

*Published in the Extraordinary Gazette No. (195) dated 20th December, 1952.

THE HYDERABAD AGRICULTURAL IMPROVEMENT FUND ACT.

No. XLV OF 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Establishment of the Agricultural Improvement Fund of the State of Hyderabad.
3. Custody of the Agricultural Improvement Fund and withdrawals therefrom.
4. Power to make rules.

*THE HYDERABAD AGRICULTURAL IMPROVEMENT FUND ACT, 1952.

No. XLV of 1952.

An Act to provide for the establishment of the Agricultural Improvement Fund for the State of Hyderabad.

WHEREAS it is expedient to establish a Fund for the State of Hyderabad for the purpose of agricultural improvements; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Agricultural Improvement Fund Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. There shall be established a Fund in the nature of an imprest entitled the Agricultural Improvement Fund of the State of Hyderabad into which shall be paid, from and out of the consolidated Fund of the State such moneys as may be collected from time to time, by way of licence fees under clause 8 of the Foodgrains (Licensing and Procurement) Order, 1952. Establishment of the Agricultural Improvement Fund of the State of Hyderabad.

3. (1) The Agricultural Improvement Fund of the State of Hyderabad shall be held on behalf of the Rajpramukh by the Secretary to the Government of Hyderabad in the Department of Finance. Custody of the Agricultural Improvement Fund and withdrawals therefrom.

(2) No advances shall be made out of such Fund except for the purpose of meeting such expenditure as may be prescribed by rules made under this Act and without the authorisation of the Minister in charge of Agriculture who shall be assisted by a Committee consisting of the Secretary in charge of Agriculture, the Secretary in charge of the Finance Department, the Director of Agriculture and three members of the Hyderabad Legislative Assembly nominated by the Government.

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*Published in the Gazette Extraordinary No. (196) dated 24th December, 1952.

Power to make rules.

4. For the purpose of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of the payment of moneys into and the withdrawals of moneys from the Agricultural Improvement Fund of the State of Hyderabad.

THE HYDERABAD CINEMA (REGULATION) ACT, 1952.

No. XLVI of 1952.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Definitions.
3. Cinematograph exhibitions to be licensed.
4. Licensing Authority.
5. Restrictions on powers of licensing authority.
6. Power of Government or Collector to suspend exhibition of films in certain cases.
7. Penalties of contravention of the Act.
8. Power to revoke licence.
9. Power to make rules.
10. Power to exempt.
11. Repeal and savings.

*THE HYDERABAD CINEMAS (REGULATION) ACT. 1952.

No. XLVI OF 1952.

An Act to repeal and re-enact with modifications the Hyderabad Cinematograph Act, 1952.

Preamble.

WHEREAS in consequence of the enactment of the Cinematograph Act, 1952 (Central Act XXXVII of 1952) it is expedient to repeal and re-enact with modifications the Hyderabad Cinematograph Act, 1952;

IT is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Cinemas (Regulation) Act, 1952.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may, by notification in the Jarida, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) " cinematograph " includes any apparatus for the representation of moving pictures or series of pictures;

(*b*) "Collector," in relation to the cities of Hyderabad and Secunderabad, means the Commissioner of Police;

(*c*) "place" includes a house, building, tent and any description of transport, whether by river, land or air;

(*d*) "prescribed" means prescribed by rules made under this Act.

Cinematograph exhibitions to be licensed.

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

*Published in the Gazette Extraordinary No. (198) dated 31st December, 1952.

Licensing authority.

4. The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the Collector :

Provided that the Government may, by notification in the Jarida, constitute for the whole or any part of the State of Hyderabad, such other authority as it may specified in the notification to be the licensing authority for the purposes of this Act.

Restrictions on powers of licensing authority.

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(*a*) the rules made under this Act have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed, appeal to the Government or to such officer as the Government may specify in this behalf and the Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film, or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of Government or Collector to suspend exhibition of films in certain cases.

6. (1) The Government in respect of the whole of the State of Hyderabad or any part thereof and the Collector in respect of the area within his jurisdiction may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or area, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Collector, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such futher period as it thinks fit.

Penalties for contravention of this Act.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to revoke licence.

8. Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952) or under section 7 of this Act, the licence may be revoked by the licensing authority.

Power to make rules.

9. (1) The Government may, by notification in the Jarida, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, rules made under this Act may provide for :—

(*a*) the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act;

(*b*) the regulation of cinematograph exhibitions for securing public safety;

(*c*) the time within which and the conditions subject to which an appeal under sub-section (3) of section 5 may be preferred.

Power to exempt.

10. The Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal and Savings.

11. The Hyderabad Cinematograph Act, 1952, is hereby repealed :

Provided that all rules made or deemed to be made and all notifications, orders and licences issued or deemed to be issued under the said Act, which were in force immediately before the commencement of this Act, so far as they could validly have been made or issued under this Act, shall continue in force and be deemed to have been made or issued under this Act until they are superseded or modified by any competent authority under this Act.

THE
HYDERABAD (APPLICATION OF CENTRAL ACTS) ACT,
No. XLVIII OF 1952.

Preamble.

Sections.

1. Short title, extent and commencement.

2. Definition.

3. Application of Central Acts to Hyderabad.

Schedule.

Annexures.

*THE HYDERABAD (APPLICATION OF CENTRAL ACTS) ACT, 1952.

NO. XLVIII OF 1952.

An Act to apply to the State of Hyderabad certain Central Acts affecting Hindu and Muslim Law.

Preamble.

WHEREAS it is expedient to apply to the State of Hyderabad certain Central Acts affecting Hindu and Muslim Law;

IT is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad (Application of Central Acts) Act, 1952.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force at once.

Definition.

2. In this Act—

'appointed day' means the day on which this Act comes into force.

Application of Central Acts to Hyderabad.

3. The following Acts, namely :—

(*a*) The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928),

(*b*) The Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929),

(*c*) The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937),

(*d*) The Dissolution of Muslim Marriages Act, 1939 (VIII of 1939),

(*e*) The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 (XIX of 1946), and

(*f*) The Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946),

shall, with effect from the appointed day, extend to and be in force in the whole of the State of Hyderabad subject to the modifications mentioned in the Schedule and shall, accordingly, be in force in the said State with effect from the said date in the forms respectively specified in Annexures A, B, C, D, E and F to the Schedule,

*Published in the Gazette Extraordinary No. 19 dated 7th February, 1953.

SCHEDULE.

The Hindu inheritance (Removal of Disabilities) Act, 1928 (XII of 1928).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Hyderabad."

The Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929).

In sub-section (2) of section 1, for the words and letter "It extends to the whole of India except Part 'B' States" the following shall be substituted namely :—

"It extends to the whole of the State of Hyderabad."

The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Hyderabad."

The Dissolution of Muslim Marriages Act, 1939 (VIII of 1939).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Hyderabad."

The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 (XIX of 1946).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Hyderabad."

The Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of the State of Hyderabad."

ANNEXURE A.

The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928) as modified by the aforesaid Schedule.

An act to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts.

WHEREAS it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts;

It is hereby enacted as follows:—

Short title, extent and application.

1. (1) This Act may be called the Hindu Inheritance (Removal of Disabilities) Act, 1928.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall not apply to any person governed by the Dayabhag School of Hindu Law.

Persons not to be excluded from inheritance or rights in joint family property.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, other than a person who is and has been from birth a lunatic or idiot, shall be excluded, from inheritance or from any right or share in joint-family property by reason only of any disease, deformity or physical or mental defect.

Saving and exception.

3. Nothing contained in this Act shall affect any right which has accrued or any liability which has been incurred before the commencement thereof, or shall be deemed to confer upon any person any right in respect of any religious office or service or of the management of any religious or charitable trust which he would not have had if this Act had not been passed.

ANNEXURE B.

The Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929) as modified by the aforesaid Schedule.

An Act to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate.

WHEREAS it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate;

It is hereby enacted as follows:

Short title, extent and application.

1. (1) This Act may be called the Hindu Law of Inheritance (Amendment) Act, 1929.

(2) It extends to the whole of the State of Hyderabad, but it applies only to persons who, but for the passing of this Act, would have been subject to the Law of Mitakshara in respect of the provisions herein enacted, and it applies to such persons in respect only of the property of males not held in coparcenary and not disposed of by will.

Order of succession of certain heirs.

2. A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother:

Provided that a sister's son shall not include a son adopted after the sister's death.

Savings.

3. Nothing in this Act shall—

(*a*) affect any special family or local custom having the force of law, or

(*b*) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the School of Mitakshara Law by which the male was governed, or

(*c*) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule succession descends to a single heir.

ANNEXURE C.

The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937) as modified by the aforesaid Schedule.

An Act to amend the Hindu Law governing Hindu Women's Rights to Property.

WHEREAS it is expedient to amend the Hindu Law to give better rights to women in respect of property;

IT is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Hindu Women's Rights to Property Act, 1937.

(2) It extends to the whole of the State of Hyderabad.

Application.

2. Notwithstanding any rule of Hindu Law or custom to the contrary, the provisions of section 3 shall apply where a Hindu dies intestate.

Devolution of property.

3. (1) When a Hindu governed by a Dayabagh School of Hindu Law dies intestate leaving any property, and when a Hindu governed by any other School of Hindu Law or by Customary Law dies intestate leaving separate property, his widow, or if there is more than one widow all his widows together, shall, subject to the provisions of sub-section (3), be entitled in respect of property in respect of which he dies intestate to the same share as a son:

Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as a son's son if there is surviving a son or son's son of such predeceased son:

Provided further that the same provision shall apply *mutatis mutandis* to the widow of a predeceased son of a predeceased son.

(2) When a Hindu governed by any School of Hindu Law other than the Dayabagh School or by Customary Law dies having at the time of his death an interest in a Hindu joint-family property, his widow shall, subject to the provisions of sub-section (3), have in the property the same interest as he himself had.

(3) Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known as a Hindu woman's estate, provided however that she shall have the same right of claiming partition as a male owner.

(4) The provisions of this section shall not apply to an estate which by a customary or other rule of succession or by the terms of the grant applicable thereto descends to a single heir or to any property to which the Indian Succession Act, 1925 applies.

Savings.

4. Nothing in this Act shall apply to the property of any Hindu dying intestate before the commencement of this Act.

Meaning of expression "die intestate."

5. For the purposes of this Act, a person shall be deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

ANNEXURE D.

The Dissolution of Muslim Marriages Act, 1939 (VIII of 1939) as modified by the aforesaid Schedule.

An Act to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by women married under Muslim Law and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie.

WHEREAS it is expedient to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by women married under Muslim Law and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie ;

IT is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Dissolution of Muslim Marriages Act, 1939.

(2) It extends to the whole of the State of Hyderabad.

Grounds for decree for dissolution of marriage.

2. A woman married under Muslim Law shall be entitled to obtain a decree for the dissolution of her marriage on any one or more of the following grounds, namely :—

(*i*) that the whereabouts of the husband have not been known for a period of four years;

(*ii*) that the husband has neglected or has failed to provide for her maintenance for a period of two years;

(*iii*) that the husband has been sentenced to imprisonment for a period of seven years or upwards;

(*iv*) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;

(*v*) that the husband was impotent at the time of the marriage and continues to be so;

(*vi*) that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;

(*vii*) that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years :

Provided that the marriage has not been consummated;

(*viii*) that the husband treats her with cruelty, that is to say,—

(*a*) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or

(*b*) associates with women of evil repute or leads an infamous life, or

(*c*) attempts to force her to lead an immoral life, or

(*d*) disposes of her property or prevents her exercising her legal rights over it, or

(*e*) obstructs her in the observance of her religious profession or practice, or

(*f*) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Quran;

(*ix*) on any other ground which is recognised as valid for the dissolution of marriages under Muslim Law;

Provided that—

(*a*) no decree shall be passed on ground (*iii*) until the sentence has become final;

(*b*) a decree passed on ground (*i*) shall not take effect for a period of six months from the date of such decree, and if the husband appears either in person or through an authorised agent within that period and satisfies the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and

(*c*) before passing a decree on ground (*v*) the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.

Notice to be served on heirs of the husband when the whereabouts are not known.

3. In a suit to which clause (i) of section 2 applies—

(*a*) the names and addresses of the persons who would have been the heirs of the husband under Muslim Law if he had died on the date of the filing of the plaint shall be stated in the plaint,

(*b*) notice of the suit shall be served on such persons, and

(*c*) such person shall have the right to be heard in the suit:

Provided that paternal uncle and brother of the husband, if any, shall be cited as party even if he or they are not heirs.

Effect of conversion to another faith.

4. The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage:

Provided that after such renunciation, or conversion, the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in section 2:

Provided further that the provisions of this section shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith.

Rights to dower not to be affected.

5. Nothing contained in this Act shall affect any right which a married woman may have under Muslim Law to her dower or any part thereof on the dissolution of her marriage.

ANNEXURE E.

The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 (XIX of 1946) as modified by the aforesaid Schedule.

An Act to give Hindu married women a right to separate residence and maintenance under certain circumstances.

WHEREAS it is expedient to provide for the right to separate residence and maintenance under certain circumstances in the case of Hindu married women;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946.

(2) It extends to the whole of the State of Hyderabad.

Grounds for claiming separate residence and maintenance.

2. Notwithstanding any custom or law to the contrary, a Hindu married woman shall be entitled to separate residence and maintenance from her husband on one or more of the following grounds, namely,—

(1) if he is suffering from any loathsome disease not contracted from her;

(2) if he is guilty of such cruelty towards her as renders it unsafe or undesirable for her to live with him;

(3) if he is guilty of desertion, that is to say, of abandoning her without her consent or against her wish;

(4) if he marries again;

(5) if he ceases to be a Hindu by conversion to another religion;

(6) if he keeps a concubine in the house or habitually resides with a concubine;

(7) for any other justifiable cause:

Provided that a Hindu married woman shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by change to another religion or fails without sufficient cause to comply with a decree of a competent Court for the restitution of conjugal rights.

Amount of maintenance.

3. When allowing a claim for separate residence and maintenance under section 2, the Court shall determine the amount to be paid by the husband to the wife therefor, and in so doing shall have regard to the social standing of the parties and the extent of the husband's means.

ANNEXURE F.

The Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946) as modified by the aforesaid Schedule.

An Act to remove certain disabilities and doubts under Hindu Law in respect of marriages between Hindus.

WHEREAS it is expedient to remove certain disabilities and doubts under the Hindu Law in respect of marriages between Hindus;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Hindu Marriage Disabilities Removal Act, 1946.

(2) It extends to the whole of the State of Hyderabad.

Marriages between persons of same gotra or pravara or of different subdivisions of the same caste.

2. Notwithstanding any text, rule or interpretation of the Hindu Law or any custom or usage, a marriage between Hindus, which is otherwise valid, shall not be invalid by reason only of the fact that the parties thereto—

(*a*) belong to the same gotra or pravara, or

(*b*) belong to different subdivisions of the same caste.

THE HYDERABAD SUPPRESSION OF IMMORAL TRAFFIC ACT, NO. XLIX OF 1952.

Preamble.

Sections.

1. Short title.
2. Extent and commencement.
3. Difinitions.
4. Punishment for keeping a brothel or allowing premises to be used as a brothel.
5. Removal and disposal of minor girls from brothels, etc.
6. Intermediate custody of girl removed from brothel, etc.
7. Subsequent treatment of girl committed to suitable custody under section 5 (2).
8. Punishment for living on the earnings of prostitution.
9. Importing woman or girl for prostitution.
10. Detention for prostitution in brothel or with intent.
11. Procuration.
12. Soliciting for purposes of prostitution.
13. Detention in Vigilance Home.
14. Arrest without a warrant.
15. Power to enter premises.
16. Trial of offences.

*THE HYDERABAD SUPPRESSION OF IMMORAL TRAFFIC ACT, 1952.

NO. XLIX OF 1952

An Act for the suppression of Brothels and immoral traffic.

Preamble.

WHEREAS it is expedient to make suitable provision for the suppression of brothels and of traffic in women and girls and for other purposes of a like nature in the Hyderabad State ;

IT is hereby enacted as follows :—

Short title.

1. This Act may be called the Hyderabad Suppression of Immoral Traffic Act, 1952.

Extent and commencement.

2. The Government may, from time to time, by notification in the Jarida apply all or any of the provisions of this Act to the whole or any portion of the State of Hyderabad from such date as may be specified in the notification and may cancel or modify any such notification.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "brothel" means any house, room, or place or any part thereof which the occupier or person incharge thereof habitually uses or allows to be used by any other person for the purpose of prostitution ;

(*b*) "Commissioner of Police" means the Commissioner of Police for the cities of Hyderabad and Secunderabad ;

(*c*) "Magistrate" means a salaried Magistrate of the first class inclusive of the Commissioner of Police ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "prostitution" means promiscuous sexual intercourse for hire ;

(*f*) "Superintendent of Police" means a District Superintendent of Police appointed under the Hyderabad

*Published in the Gazette Extraordinary No. 25/A, dated 29th Feb. 1953.

District Police Act No. X of 1329 Fasli, or any person appointed by the Government to perform the duties of the Superintendent of Police for the purposes of this Act :

(*g*) "Vigilance Home" means a corrective institution established or recognised by the Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

4. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in-charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel ; or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (*a*) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel ; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (*a*) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Removal and disposal of minor girls from brothels, etc.

5. (1) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise, that a girl, apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, disorderly house, or place of

assignation, he may issue an order to a police officer not below the rank of an Inspector specially authorised in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police, as the case may be, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove forthwith from such brothel, disorderly house or place of assignation, such girl and any other girl found therein if, in his opinion, she is under the age of 18 years and is living, or is carrying on or being made to carry on the business of prostitution, in such brothel, disorderly house or place of assignation.

(2) A girl who has been so removed shall be brought before a Court established under section 40 of the Hyderabad Children Act, 1951, or where no such Court has been established before a Court sitting in the manner specified in sub-section (2) of that section and the Court shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with, may make an order that such girl be placed until she attains the age of 21 years or for any shorter period in a rescue home or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person or body of different religious persuasion from that of the girl.

(3) For the determination of the question whether a girl produced before a Court under provisions of this section is under 18 years of age, the Court shall make due enquiry as to the age of that girl and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgement of the Court shall not be invalidated by subsequent proof that the age of that girl has not been correctly determined by the Court, and the age determined by the Court to be the age of the girl, for the purposes of this section shall be deemed to be the true age of that girl and no Court shall in appeal or revision interfere with any determination as to age made under this section.

Intermediate custody of girl removed from brothel, etc.

6. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (1) of section 5 the police officer carrying out the removal shall, until such girl can be brought before the Court immediately cause her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

Subsequent treatment of girl committed to suitable custody under section 5 (2).

7. When an order that a girl be placed in suitable custody has been passed under sub-section (2) of section 5, the provisions of the Hyderabad Children Act, 1951, shall, subject to such modifications as the Government may prescribe by rules made under section 17, and notwithstanding her age, thereafter apply to the case of such girl during the period of the said order as if she were a child or young person dealt with under section 31 of the Hyderabad Children Act, 1951.

Punishment for living on the earnings of Prostitution.

8. (1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(*a*) to be living with, or to be habitually in the company of, a person living in prostitution, or

(*b*) to have exercised control, direction or influence over the movements of a person living in prostitution in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1) :

Provided that the mother, or a son or daughter of a person living in prostitution shall not be punished under sub-section (1) for living on the earnings of such person unless it is proved to the satisfaction of the Court

that such mother, son or daughter is aiding, abetting, or compelling her prostitution.

(3) Notwithstanding anything contained in section 2, this section shall not be applied except to the Cities of Hyderabad and Secunderabad or municipality constituted under the Hyderabad Municipal and Town Committees Act, 1951, or an area situated within three miles of the limits of such cities or municipality.

Importing woman or girl for prostitution.

9. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Detention for prostitution in brothel or with intent.

10. (1) Any person who detains any woman or girl against her will

(*a*) in any house, room or place in which the business of prostitution is carried on, or

(*b*) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purposes of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(*a*) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(*b*) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by the direction of such person.

(3) Notwithstanding any law to the contrary such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in

possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to or to have been pledged by such woman or girl by or to the person by whom she has been detained.

Procuration.

11. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Soliciting for purposes of prostitution.

12. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers, or to offend public decency, or

(2) frequents such street or public place for the purpose of prostitution or of solicitation, so as to constitute a nuisance, or to offend against public decency,

shall be punished, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Detention in Vigilance Home.

13, (1) Where a Magistrate convicting any woman of an offence punishable under section 12 finds that she has not attained the age of thirty years, he may, in lieu of passing a sentence of imprisonment under that section, pass a sentence of detention in a Vigilance Home for a term which shall not be less than two years or more than five years.

(2) Where a Magistrate has arrived at a finding regarding the age of a woman dealt with by him under sub-section (1), such age shall, for the purpose of that sub-section, be deemed to be her true age, and no order or Judgement of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(3) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, a sentence of detention for any period passed under sub-section (1) shall be

deemed to be a sentence of imprisonment for the like period.

Arrest without a warrant.

14. (I) Any police officer not below the rank of Inspector may arrest without a warrant any person who has been concerned in any offence punishable under sections 4, 8, 9, 10, 11 or 12, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any such offence :

Provided that a person concerned or alleged or suspected to be concerned in an offence punishable under section 12 shall be arrested under this section only if the name and address of such person be unknown to the police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

(2) Any police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under sections 9, 10 or 12, if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

Power to enter premises.

15. (1) Notwithstanding anything contained in any other law for the time being in force, any police officer not below the rank of Inspector, and any other police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may for the purpose of ascertaining whether an offence punishable under sections 4, 8, 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 4, 8, 9, 10, 11 or 12 has been or is being committed.

(2) Any police officer entering any premises under sub-section (1) shall be entitled to remove therefrom any girl if, in his opinion, she is under the age of 18 years and is carrying on or being made to carry on the business of prostitution in such premises. All the

provisions of this Act shall apply in regard to any girl so removed as if she had been removed under sub-section (1) of section 5.

Trial of offences.

16. No Court inferior to that of a Magistrate as defined in clause (*c*) of section 3 shall try offences under sections 4, 8, 9, 10, 11 or 12 :

Provided that notwithstanding anything contained in clause (*c*) of section 3, the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

Power of Government to make rules.

17. (1) The Government may make rules—

(*a*) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (2) of section 5 ;

(*b*) for the detention of girls under the provisions of section 6, subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl ;

(*c*) for the purpose of carrying into effect the provisions of section 13 and in particular, and without prejudice to the generality of this power, with regard to :—

(*i*) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes ;

(*ii*) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes ;

(*iii*) visits to and communications with, such inmates ;

(*iv*) the temporary detention of women sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes, provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers ;

(*v*) the transfer of women from one Vigilance Home to another ;

(*vi*) the transfer from Vigilance Homes to prisons of women found to be incorrigible or exercising

a bad influence and the period of their detention in such prisons, provided that such period shall not exceed one year ;

(*vii*) the transfer to Vigilance Homes of women sentenced under section 12 and the period of their detention in such Homes.

(*viii*) the discharge of inmates from Vigilance Homes either absolutely or subject to conditions, and their arrest in the event of a breach of such conditions ;

(*ix*) the grant of permission to inmates to absent themselves for short periods ; and

(*x*) the applications of the provisions of the Hyderabad Prisons Act No. IV of 1317 Fasli and the rules made under the Act to Vigilance Homes and to their inmates, subject to such adaptations, alterations and exceptions as may be specified.

(2) In making any rule under clause (*c*) the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

18. Save as expressly provided in this Act, the provisions thereof shall be in addition to and not in derogation of any other law for the time being in force. Savings.

THE HYDERABAD CURRENCY DEMONETIZATION (CONSEQUENTIAL & MISCELLANEOUS PROVISIONS) ACT, 1953.

No. I of 1953

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Provisions Consequential on Demonetization of Hyderabad O. S. Currency.
3. Rounding off.
4. Amendment of section 2, Hyderabad Act, III of 1308 Fasli.
5. Removal of difficulties.

*THE HYDERABAD CURRENCY DEMONETIZATION (CONSEQUENTIAL AND MISCELLANEOUS PROVISIONS) ACT, 1953.

NO. I OF 1953.

An Act to make certain provisions in consequence of Demonetization of the Hyderabad O. S. Currency, with effect from 1st April, 1953.

Whereas it is expedient to make certain provisions in consequence of the demonetization of the Hyderabad O. S. Currency, with effect from 1st April, 1953 ; Preamble.

It is hereby enacted as follows :—

1. (1) This act may be called the Hyderabad Currency Demonetization (Consequential and Miscellaneous Provisions) Act, 1953. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Hyderabad.

(3) It shall come into force, with effect from 1st April; 1953.

2. Subject to the provisions of the Act references express or implied in any Hyderabad Law, Regulation, notification, order, bye-law, contract and agreement (oral or written) bond and other instruments which immediately before the commencement of this Act were in force in the Hyderabad State shall be construed as if references therein to any amounts in O. S. Currency were references to the equivalent amounts in I. G. Currency according to the standard rate of exchange and all rights and liabilities express or implied in O. S. Currency in force before such commencement shall be construed accordingly : Provisions cousequential on demonetization of Hyderabad O.S. Currency.

Provided that nothing in this section shall preclude a person from paying his dues in equivalent O. S. Currency to the extent and for the purposes for which the same continues as legal tender in Hyderabad State after the thirty-first day of March, 1953.

*Published in Gazette Extraordinary No. 47 dated 1st April, 1953.

Illustration.—References to O.S. Rs. 7 in any law or other matters mentioned in this section shall be construed as if such references were references to Rs. 6 in I.G. Currency according to the standard rate of exchange.

Rounding off.

3. To facilitate the calculation for purposes of payment the total amount payable in any case by virtue of the provisions of section 2 shall be rounded off to the nearest quarter-anna in I.G. Currency.

Amendment of section 2, Hyderabad Act, III of 1308 F.

4. Section 2 of the Hyderabad General Clauses Act (III of 1308 F.) shall be amended as follows :—

For clause (22) in the said section the following clause shall be substituted, namely :—

"(22) 'rupee' means a rupee in I.G. Currency and fractional denominations of a rupee shall be construed accordingly".

Removal of difficulties.

5. If any difficulty arises in the application of this Act and in the transition from O.S. Currency to I.G. Currency the Government may by notification in the Jarida make such provisions as it considers necessary for the removal of the difficulty.

THE HYDERABAD STATE APPROPRIATION ACT, 1953.

No. II of 1953.

CONTENTS

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 51,38,62,320 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1954.
3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1953.

NO. II OF 1953.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1954.

Preamble.

Whereas it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1955 ;

It is hereby enacted as follows : –

Short title and commencement.

1. (1) This Act may be called the Hyderabad State appropriation Act, 1953.

(2) It shall come into force at once.

Issue of Rs. 51,38,62,320 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1954.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of rupees fifty-one crores thirty-eight lakhs sixty-two thousand three hundred and twenty towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1954, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State Hyderabad by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1954.

[*Statement*

*Published in Gazette Extraordinary No. 47, dated 1st April, 1953.

SCHEDULE.

(*See Sections 2 & 3*).

Srl. No.	Services & purposes	Heads of Account	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5	6
1	Taxes on Income other than Corporation Tax ...	4-Taxes on Income other than Corporation Tax ...	67,000	...	67,000
2	Land Revenue ...	7-Land Revenue ...	1,35,14,000	...	1,35,14,000
3	State Excise Duties ...	8-State Excise Duties	78,80,000	...	78,80,000
4	Stamps	9-Stamps ...	3,28,000	...	3,28,000
5	Forest	10-Forest ...	34,38,000	...	34,88,000
6	Registration ...	11-Registration ...	4,24,000	...	4,24,000
7	Charges on account of Motor Vehicles Acts	12-Charges on account of Motor Vehicles Acts ...	15,42,000	...	15,42,000
8	Other Taxes & Duties	13-Other Taxes & Duties ...	49,35,000	...	49,35,000
9	Irrigation Works:- Works for which Capital Accounts are kept ...	17-Irrigation, etc. works for which Capital Accounts are kept. Working expenses ...	10,65,000	...	10,65,000
10	Other Revenue Expenditure financed from ordinary Revenues ...	18-Other Revenue Expenditure financed from ordinary Revenues ...	89,83,000	...	89,83,000
11	Interest on Debt and other obligation ...	22-Interest on Debt and other obligations	...	1,13,15,000	1,13,15,000
12	Appropriation for reduction or avoidance of Debt ...	23-Appropriation for reduction or avoidance of Debt ...	...	2,09,14,000	2,09,14,000
13	General Administration ...	25-General Administration	86,88,300	3,49,700	90,38,000
14	Administration of Justice ...	27-Administration of Justice	42,41,800	8,58,200	51,00,000
15	Jails & Convict Settlements ...	28-Jails & Convict Settlements ...	26,26,000	...	26,26,000
16	Police ...	29-Police ...	3,38,57,000	...	3,38,57,000

SCHEDULE—(*Contd.*)

(*See Sections 2 & 3*).

Srl. No.	Services & purposes	Heads of Account	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5	6
17	Scientific Departments ...	36. Scientific Departments ...	4,71,000	...	4,71,000
18	Education ...	37. Education ...	4,75,76,000	...	4,75,76,000
19	Medical ...	38. Medical ...	1,11,54,000	...	1,11,54,000
20	Public Health ...	39. Public Health ...	75,80,000	...	75,80,000
21	Agriculture ...	40. Agriculture ...	72,86,000	...	72,86,000
22	Veterinary ...	41. Veterinary ...	20,01,000	...	20,01,000
23	Co-operation ...	42. Co-operation ...	20,93,000	...	20,93,000
24	Industries and Supplies ...	43. Industries and Supplies ...	21,32,000	...	21,32,000
25	Misc. Departments ..	47. Misc. Departments ...	1,66,36,030	...	1,66,36,030
26	Civil Works ...	50. Civil Works ...	2,03,30,000	...	2,03,30.000
27	Other Revenue Expenditure connected with Electricity Schemes ...	52.A. Other Revenue expenditure connected with Electricity Schemes ...	21,000	...	21,000
28	Territorial & Political Pensions ...	54-A.Territorial & Political Pensions ...	10,29,000	...	10,29,000
29	Superannuation Allowances & Pensions ...	55.Superannuation Allowances & Pensions ...	2,17,29,400	4,07,600	2,21,37,000
30	Stationery & Printing ...	56.Stationery & Printing ...	32,30,000	...	32,30,000
31	Miscellaneous ...	57.Miscellaneous ...	2,44,83,000	...	2,44,83,000
32	Community Development Projects ...	63-B. Community Development Projects ...	18,00,000	...	18,00,000
		Total Expenditure on Revenue Account ...	26,11,90,530	3,38,44,500	29,50,35,030
33	Irrigation ...	68-Construction of Irrigation works, etc.	3,99,08,000	...	3,99,08,000

SCHEDULE—(*Contd.*)

(*See Sections 2 & 3*)

Srl. No.	Services & purposes	Heads of Account	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5	6
34	Public Health ...	70.Capital Outlay on Improvement of Public Health ...	24,56,000	...	24,56,000
35	Multi-purpose River Schemes ...	80-A.Capital Outlay on Multi-purpose River Schemes ...	1,05,93,000	...	1,05,93,000
36	Civil Works ...	81.Capital Account of Civil Works outside the Revenue Account ...	54,92,000	...	54,92,000
37	Electricity Schemes ...	81-A.Capital Outlay on Electricity Schemes ...	57,30,000	...	57,30,000
38	Capital Account of other States Works ...	82.Capital Account of other States Works Outside the Revenue Account	43,00,000	...	43,00,000
39	Paymen of commuted value of pensions ...	83-Payment of commuted value of pensions ...	3,43,000	...	3,43,000
40	State Schemes connected with State Trading ...	85-A.State Schemes connected with State Trading ...	5,69,71,000	...	5,69,71,000
		Total Capital Expenditure outside the Revenue Account ...	12,58,93,000	...	12,58,93,000
41	Repayment of Debt ...	N. Public Debt Discharged ...	...	38,91,580	38,91,580
42	Loans & Advances by State Government	Loans & Advances by State Government	8,90,42,710	...	8,90,42,710
		Total Disbursements under Debt Heads	8,90,42,710	38,91,580	9,29,34,290
		GRAND TOTAL ...	47,61,26,240	3,77,36,080	51,38,62,320

THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1953.

No. III of 1953.

CONTENTS.

Sections.

1. Short title and commencement.

2. Issue of Rs. 4,44,45,749 out of the Consolidated Fund of the State of Hyderabad for the year 1952–53.

3. Appropriation.

Schedule.

*THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1953.

No. III of 1953.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1953.

Whereas it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1953:

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation Act, 1953.

(2) It shall come into force at once.

Issue of Rs. 4,44,45,749 out of the Conslidated Fund of the State of Hyderabad for the year 1952-53.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of four crores, forty-four lakhs, forty-five thousand seven hundred and forty-nine rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1953, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1953.

[Statement.

*Published in Gazette Extraordinary No. 47 dated 1st April, 1953.

SCHEDULE.

(*See Sections 2 and 3*)

Srl. No.	Services and purposes	Sums not exceeding		Total
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	
1	2	3	4	5
1	Taxes on income other than Corporation Tax	...	33,000	33,000
2	Land Revenue	...	4,90,000	4,90,000
3	Stamps	...	1,142	1,142
4	Charges on account of Motor Vehicles Acts	...	571	571
5	Other Taxes and Duties ...	...	81,714	81,714
6	Interest on Debt and other obligations	7,47,000	...	7,47,000
7	General Administration ..	16,015	3,53,270	3,69,285
8	Administration of Justice ..	1,20,000	...	1,20,000
9	Police	...	32,57,000	32,57,000
10	Public Health	...	2,17,429	2,17,429
11	Miscellaneous Departments ...	...	22,29,300	22,29,300
12	Famine	...	10,08,000	10,08,000
13	Territorial & Political Pensions...	...	2,98,000	2,98,000
14	Miscellaneous	...	1,26,86,000	1,26,86,000
15	Community Development Projects	...	4,29,000	4,29,000
	Total (1 to 15) ...	8,83,015	2,10,84,426	2,19,67,441
16	Capital Account of other Provincial Works outside the Revenue Account	...	8,63,300	8,63,300
17	Payment of commuted value of Pensions	...	2,78,700	2,78,700
18	Appropriation to the Contingency Fund	...	1,00,00,000	1,00,00,000
	Total (16 to 18) ...	...	1,11,42,000	1,11,42,000
19	Loans from the Government of India and other Loans ...	12,00,093	...	12,00,093
20	Loans to Municipalities, Civil Supplies, etc.	...	1,01,36,215	1,01,36,215
	Total (19 & 20) ...	12,00,093	1,01,36,215	1,13,36,308
	GRAND TOTAL ...	20,83,108	4,23,64,621	4,44,45,749

THE NULLIFICATION OF TRANSFERS REGULATION (REPEALING) ACT, 1953.

No. V of 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Repeal of Hyderabad Regulation IV of 1358 F.

*THE NULLIFICATION OF TRANSFERS REGULATION (REPEALING) ACT, 1953.

No. V OF 1953.

An Act to repeal the Nullification of Transfers Regulation, 1358 Fasli.

Whereas it is expedient to repeal the Nullification of Transfers Regulation, 1358 Fasli (No. IV of 1358 F.); Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Nullification of Transfers Regulation (Repealing) Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force at once.

2. The Nullification of Transfers Regulation, 1358 Fasli (No. IV of 1358 F.), is hereby repealed. Repeal of Hyderabad Regulation IV of 1358 F.

*Published in Gazette Extraordinary No. 57 dated 24th April, 1953.

THE EVACUEE INTEREST (SEPARATION) SUPPLEMENTARY ACT, 1953.

No. VII OF 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.

2. Validation of certain provisions of Central Act No. LXIV of 1951.

*THE EVACUEE INTEREST (SEPARATION) SUPPLEMENTARY ACT, 1953.

No. VII OF 1953.

An Act to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951.

Whereas it is expedient to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951 ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Evacuee Interest (Separation) Supplementary Act, 1953. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Hyderabad.

(3) It shall be deemed to have come into force on the 15th day of December, 1952.

2. The Evacuee Interest (Separation) Act, 1951, shall so far as it relates to any matter enumerated in entries 18 and 30 of List II in the Seventh Schedule to the Constitution, be as valid in the State of Hyderabad as if it had been passed by the Hyderabad Legislative Assembly. Validation of certain provisions of Central Act No. LXIV of 1951.

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*Published in Gazette Extraordinary No. 57 dated 24th April, 1953.

THE REGISTRAR GENERAL OF BIRTHS, DEATHS AND MARRIAGES ACT, 1953.

No. VIII OF 1953.

CONTENTS.

Preamble.

SECTIONS.

1. Short title, extent and commencement.
2. Establishment of a general Registry Office & appointment of Registrar General & sending certified copies of entries of births & deaths to that office.
3. Indexes to be kept at the general registry office.
4. Indexes to be open to inspection.
5. Copies of entries to be admissible in evidence.
6. Superintendence of Registrars by Registrar General.
7. Savings.
8. Power to make rules.

*THE REGISTRAR GENERAL OF BIRTHS, DEATHS AND MARRIAGES ACT, 1953.

No. VIII OF 1953.

An Act to provide for the appointment of a Registrar General of Births, Deaths, and Marriages and for matters connected therewith.

Whereas it is expedient to provide for the appointment of a Registrar General of Births, Deaths and Marriages for the Hyderabad State and for matters connected therewith ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Registrar General of Births, Deaths and Marriages Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as Government may by notification in the Jarida appoint in this behalf.

2. (1) The Government — Establishment of a general Registry Office and appointment of Registrar General and sending certified copies of entries of births and deaths to that Office.

(*a*) shall establish a general Registry Office for keeping such certified copies of registers of births and deaths registered under the Hyderabad Registration of Births and Deaths Regulation of 1359 Fasli, the Hyderabad Municipal Corporations Act, 1950 or any other law for the time being in force or of marriages registered under the Special Marriage Act (III of 1872) or the Indian Christian Marriage Act, 1872 or the Parsi Marriage and Divorce Act, 1936 as may be sent to such Office under this Act or under any of the three last mentioned Acts ; and

(*b*) shall appoint to the charge of that office an officer to be called the Registrar General of Births, Deaths and Marriages for the State of Hyderabad.

(2) Notwithstanding the provisions of any other law for the time being in force true copies certified in the prescribed

*Published in Gazette Extraordinary No. 56, dated 24th April, 1953.

manner of all entries of births and deaths registered after the commencement of this Act under the Hyderabad Registration of Births and Deaths Regulation of 1359 Fasli, the Hyderabad Municipal Corporations Act, 1950 or under any other law for the time being in force shall be sent by the prescribed officer at prescribed intervals to the said registry office as soon as possible after the entries are made.

Indexes to be kept at the general Registry Office.

3. The Registrar General of Births, Deaths and Marriages shall cause indexes of all certified copies of entries in registers sent to his office under sub-section (2) of section 2 or under the Special Marriage Act (III of 1872), the Indian Christian Marriage Act, 1872 or the Parsi Marriage and Divorce Act, 1936 to be made and kept in his office in the prescribed form.

Index to be open to Inspection.

4. Subject to the payment of the prescribed fees, the indexes so made shall at all reasonable times be open to inspection by any person applying to inspect them and copies of any entries to which the indexes relate shall be given to all persons applying for them in the manner prescribed.

Copies of entries to be admissible in evidence.

5. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages or by an officer authorised in this behalf by the Government and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Registrars by Registrar General.

6. The Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars or other officers registering or causing registration to be made of births and deaths in the State of Hyderabad.

Savings.

7. Nothing contained in this Act shall be deemed to prevent the appointment of the same officer as the Registrar General of Births, Deaths and Marriages under this Act, and as Registrar General of Births and Deaths under any other law for the time being in force and where the same person holds both the appointments the provisions of this Act shall have effect subject to the following modifications :—

(*a*) The provisions of sub-section (2) of section 2 shall have effect as though it required that the certified copies of all entries of births and deaths referred to in that sub-section shall be sent by the prescribed officer at prescribed intervals from the Office of the Registrar General of Births and Deaths to the Office of the Registrar General of Births, Deaths and Marriages;

(*b*) The provisions of section 6, so far as it permits the general superintendence by the Registrar General of Births, Deaths and Marriages over the Registrar General of Births and Deaths shall be deemed to be omitted.

Power to make rules.

8. The Government may make rules to carry out the purposes of this Act and in particular and without prejudice to the generality of the foregoing power may make rules for anything which is to be prescribed under this Act.

THE HYDERABAD SUGARCANE CESS ACT, 1953.

No. IX OF 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Local area.
4. Imposition of cess.
5. Licence for consuming or using sugarcane in notified factory.
6. Returns.
7. Collection of cess.
8. Finality of assessment and recovery of unpaid cess.
9. Power to inspect factories and take copies of records and accounts.
10. Information acquired to be confidential.
11. Penalty.
12. Determination of occupier for the purpose of Act.
13. Power to make rules.

THE HYDERABAD SUGARCANE CESS ACT, 1953.

No. IX OF 1953.

An Act to levy cess for the purposes of the development and improvement of the cultivation, growth and marketing of sugarcane and other irrigated crops for the development of sugar industry and for the improvement and development of agriculture in general.

Preamble.

Whereas it is expedient to provide for the levy of a cess for the development and improvement of the cultivation, growth and maketing of sugarcane and other irrigated crops and for the development of sugar industry and for the improvement and development of agriculture in general in the State of Hyderabad ;

It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Sugarcane Cess Act, 1953.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may, by notification in the Jarida, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " factory " means any premises including the precincts thereof, wherein twenty or more workers are working or were working on any day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on, or is ordinarily carried on, with the aid of power ;

(2) " local area " means any area comprised in such factories as may be specified in the notification under section 3 ;

*Published in Gazette Extraordinary No. 59 dated 1st May, 1953.

(3) "notified factory" means a factory specified in the notification under setion 3 ;

(4) "occupier" means the person who has ultimate control over the affairs of a notified factory :

Provided that where the affairs of such factory are entrusted to a managing agent shall be deemed to be the occupier ;

(5) " prescribed " means prescribed by rules made under this Act ;

(6) " ton " means a ton of 2,240 pounds (avoirdupois).

CHAPTER II.

Levy and Collection of Cess.

Local area.

3. The Government may, by notification in the Jarida, specify any factory the area comprised in which shall be a local area for the purposes of this Act.

Imposition of cess.

4. A cess at such rate not exceeding I.G. rupees six per ton, as may be specified by the Government in a notification in the Jarida, shall be levied on the entry of sugarcane into a local are a for consumption or use therein.

Licence for consuming or using sugarcane in notified factory.

5. (1) After such date as the Government may, by notification in the Jarida, specify, no sugarcane shall be consumed or used in a notified factory unless the occupier there has obtained a licence authorising him to do so.

(2) An application for such licence shall be accompanied by such fee and shall be made to such authority and in such manner as may be prescribed.

(3) On receipt of such application and after due verification by the authority concerned, a licence shall be granted:

Provided that the authority concerned may refuse to grant a licence to any occupier, if he has already cancelled, or refused to renew a licence previously granted to such occupier.

(4) A licence granted under this section shall be subject to such conditions as may be prescribed and shall be valid till the 30th June next following and shall be renewable in the prescribed manner.

(5) If the occupier commits any breach of the conditions of this licence, the prescribed authority may, with the prior approval of the Government, cancel or refuse to renew this licence.

Returns.

6. (1) Every occupier shall furnish to the prescribed authority, before the seventh day of each month, a return stating the total quantity in tons of sugarcane consumed or used by his factory during the preceding month, together with such further information in regard thereto as may by prescribed.

(2) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

Collection of cess.

7. (1) On receiving any return under section 6 the prescribed authority shall assess the cess payable in respect of the period to which the return relates and if the amount has not already been paid shall cause a notice to be served upon the occupier requiring him to make payment of the amount assessed within ten days of the service of the notice.

(2) If the occupier fails to furnish in due time the return referred to in section 6 or furnishes a return which in the opinion of the prescribed authority is incorrect or defective, the prescribed authority shall assess the amount payable by him in such manner as may be prescribed and the provisions of sub-section (1) shall apply as if such assessment has been made on the basis of a return furnished by the owner:

Provided that in the case of a return which he has reason to believe is incorrect or defective, the prescribed authority shall not assess at an amount higher than that at which it is assessable on the basis of the return without giving to the occupier a reasonable opportunity of proving the correctness or completeness of the return.

(3) A notice under sub-section (1) may be served on the occupier either by post or by delivering it or tendering it to the occupier or his agent at the factory.

Finality of assessment and recovery of unpaid cess.

8. (1) An assessment made in accordance with the provisions of section 7 shall not be questioned in any Court.

(2) Any occupier aggrieved by an assessment made under section 7 may, within three months of service of the notice referred to in sub-section (1) of that section, apply to the prescribed appellate authority for the cancellation or modification of the assessment and, on such application, the prescribed appellate authority may cancel or modify the assessment and order the refund to such occupier of the whole or part, as the case may be, of any amount paid thereunder.

(3) Any amount recoverable under section 7 may be recovered as an arrear of land revenue.

CHAPTER III.

Miscellaneous.

Power to inspect factories and take copies of records & accounts.

9. (1) The prescribed authority shall have free access at all reasonable times during working hours to any notified factory or to any part thereof.

(2) Such authority may at any time with or without notice to the occupier, examine the working records and accounts of any notified factory and take copies or extracts from all or any of the said records or accounts for purposes of testing the accuracy of any return for informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder.

(3) Where the prescribed authority proposes to examine under sub-section (2) any record or account containing the description or formulæ of any trade process, the owner of the notified factory may give to the said authority, for transmission to the Government, a written notice of objection and thereupon the said authority shall seal up the record or account pending the order of the Government.

Information acquired to be confidential.

10. (1) All such copies and extracts and all information acquired by the prescribed authority from an inspection of any notified factory or any part thereof or from any return submitted under this Act shall be treated as confidential.

(2) If, save as provided in sub-section (3), the prescribed authority discloses to any person any such information as aforesaid without the previous sanction of the Government he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Nothing in this section shall apply to the disclosure of such information in respect of the making of a false return under this Act.

penalty.

11. If the occupier consumes or uses sugarcane in a notified factory without obtaining a licence under section 5, he shall, on conviction, be punished with fine which may extend to one thousand rupees.

Determination of occupier for the purposes of Act.

12. (1) Where the occupier is a firm or other association of individuals, any of the individual partners or members thereof shall be responsible for the observance of the provisions of this Act and may be prosecuted and punished under this Act for any offence for which the occupier is punishable:

Provided that the firm or association may give notice to the prescribed authority that it has nominated one of its members who is resident in the State of Hyderabad to be occupier for the purposes of this Act and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Act until further notice cancelling the nomination is received by the prescribed authority or until he ceases to be the partner or member of the firm or association.

(2) Where the occupier is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof may be prosecuted and punished under this Act for any offence for which the occupier is punishable :

Provided that the company may give notice to the prescribed authority that it has nominated a director or in the case of a private company, a shareholder who is resident in either case in the State of Hyderadad, to be the occupier for the purposes of this Act any such director or shareholder shall, so long as he is so resident, be deemed to be the

occupier for the purposes of this Act, until further notice cancelling the nomination is received by the prescribed authority or until he ceases to be a director or shareholder.

power to make rules.

13. (1) The Government may make rules for the purpose of carring into effect all or any of the provisions of this Act,

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which and the authority to which application for licence shall be made and the fee with which it shall be accompanied under section 5 ;

(*b*) the conditions subject to which a licence shall be granted under section 5 and the manner in which it shall be renewable ;

(*c*) the further information to be furnished under section 6, the authority to which and the form in which such returns shall be furnished and the manner in which such returns shall be verified ;

(*d*) the manner in which the amount payable under section 7 shall be assessed ;

(*e*) the appellate authority to whom an application for cancellation or modification of assessment shall be made under section 8 ;

(*f*) the authority which can inspect notified factories ;

(*g*) the authority to whom notice is to be given under section 12 ; and

(*h*) any other matter which is to be or may be prescribed.

(3) In making any rule under sub-sections (1) and (2), the Government may provide that a breach of the rule shall, where no penalty is provided by this Act, be punishable with fine not exceeding one thousand rupees.

(4) Rules made under this section shall be subject to the condition of previous publication.

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*THE HYDERABAD GENERAL SALES TAX (AMENDMENT) ACT, 1953.

No. X OF 1953.

An Act further to amend the Hyderabad General Sales Tax Act, 1950.

Preamble.

Whereas it is expedient further to amend the Hyderabad General Sales Tax Act, 1950 (Hyderabad Act XIV of 1950) for the purposes hereinafter appearing ;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad General Sales Tax (Amendment) Act, 1953.

(2) It shall come into force from the date of its publication in the Jarida.

2 to 10. .....[Amendments carried out in the Principal Act]

General amendment in certain sections, Hyderabad Act, XIV of 1950.

11. In sections 4, 8, 10 and 12 of the said Act and notwithstanding anything contained in the Hyderabad Currency Demonetization (Consequential and Miscellaneous Provisions) Act, 1953 references to the amounts of turnover shall be deemed to be references to the same amounts in I.G. Currency.

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*Published in Gazette Extraordinary No. 59 dated 1st May, 1954.

THE CODE OF CIVIL PROCEDURE (HYDERABAD AMENDMENT) ACT, 1953.

No. XI OF 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and Commencement.
2. Amendment of section 60, Act V of 1908.

*THE CODE OF CIVIL PROCEDURE (HYDERABAD AMENDMENT) ACT, 1953.

No. XI OF 1953.

An Act to amend the Code of Civil Procedure, 1908, in its application to the State of Hyderabad.

Whereas it is expedient to amend the Code of Civil Procedure, 1908, in its application to the State of Hyderabad, for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (i) This Act may be called the Code of Civil Procedure (Hyderabad Amendment) Act, 1953. Short title, extent and commencement.

(*ii*) It extends to the whole of the State of Hyderabad,

(*iii*) It shall come into force at once.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908— Amendment of section 60 Act, V of 1908.

(*i*) after clause (k) the following clause shall be inserted, namely :—

" (*kk*) amounts payable under policies issuee in pursuance of the Rules for the Hyderabad State Life Insurance and Provident Fund ; " and

(*ii*) after explanation 2, the following Explanation shall be inserted, namely :—

" Explanation 2-A. Where any svm payable to a Government servant is exempt from attachment under the provisions of clause (*kk*), such sum shall remain exempt from attachment notwithstanding the fact that owing to the death of the Government servant it is payable to some other person. "

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*Published in Gazette Extraordinary No. 70 dated 9th June, 1953.

THE HYDERABAD PROBATION OF OFFENDERS ACT, 1953

No. XII OF 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Interpretation.
3. Power of court to release certain offenders after admonition.
4. Power of court to release certain offenders on probation of good conduct.
5. Procedure in cases submitted by Magistrates not empowered to act under setions 3 and 4.
6. Powers of Appellate Courts.
7. Procedure in case of offender failing to observe conditions of release.
8. Provisions as to bonds.
9. Appointment of Probation Officers.
10. Duties of Probation Officers.
11. Variation of conditions of probation & discharge of bonds executed by offender.
12. Effect of variation of bond on sureties.
13. Removal of disqualification attaching to conviction for offences.
14. Power of Government to make rules.
15. Saving of the operation of the Hyderabad Children Act, 1951 (XXXII of 1951).
16. Saving of the jurisdiction of the High Court.

*THE HYDERABAD PROBATION OF OFFENDERS ACT, 1953.

No. XII OF 1953.

An Act to provide for the release on probation of first offenders.

Whereas it is expedient to provide for the release on probation of first offenders in certain cases and for other matters incidental thereto; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Probation of Offenders Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) (*a*) This section shall come into force at once.

(*b*) The Government may, by notification in the Jarida, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date as may be specified in such notification.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) the "Code" means the Code of Criminal Procedure, 1898; and Interpretation.

(*b*) expressions used but not defined in this Act and defined in the Code have the meanings assigned to them in the Code.

3. In any case in which a person is found guilty of the offence of theft, dishonest, misappropriation, or cheating punishable under the Indian Penal Code or of any offence punishable with not more than two years imprisonment and previous conviction is proved against him, the court by which he is found guilty may, if it thinks fit, having regard to the age, character, antecedents or physical condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition. Power of Court to release certain offenders after admonition.

*Published in Extraordinary Gazette No. 159 dated 28th August, 1953.

Power of Court to release certain offenders on probation of good conduct.

4. (1) When any person not under twenty-one years of age is found guilty of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is found guilty of an offence not punishable with death or transportation for life, and no previous conviction is proved against the offender, if it appears to the Court by which he is found guilty, regard being had to the age, character, antecedents or physical or mental condition of the offender and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not exceeding three years as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct the release of an offender under this section, unless it is satisfied that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation in the place for which the court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Where the offender referred to in sub-section (1) is under twenty-four years of age, the court may make a supervision order directing that such offender shall be under the supervision of such probation officer as may be named in the order during the period specified therein and imposing such other conditions for securing such supervision as may be specified in the order:

Provided that the period so specified shall not extend beyond the date on which, in the opinion of the court, the offender will attain the age of twenty-five years.

(3) A court making a supervision order under sub-section (2) shall require the offender, before he is released, to enter into a bond with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, absention from intoxicants and any other matters as the court

may, having regard to the particular circumstances of the case, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A court making a svpervision order shall furnish to the offender and the sureties, if any, a notice in writing stating in simple terms the conditions of the bond.

Procedure in cases submitted by Magistrates not empowered to act under section 3 and 4.

5. Notwithstanding anything contained in sections 3 and 4, where any first offender is found guilty of an offence by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the Government in this behalf, and the Magistrate is of opinion that the powers conferred by the said sections should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the first class or Subdivisional Magistrate, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Powers of Appellate Courts.

6. An order under section 3 or section 4 may be made by an Appellate Court.

Procedure in case of offender failing to observe conditions of release.

7. (1) If the Court before which the offender is bound by his bond under section 4 to appear for sentence when called upon, or any court which could have dealt with offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of the bond or bonds executed by him, it may issue a warrant for his apprehension, or may, if it thinks fit, issue a summons to the offender and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded, or admit him to bail, with or without sureties, to appear on the date of hearing.

(3) If the court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of the bonds executed by him, it may forthwith—

(*a*) sentence him for the original offence, or

(*b*) without prejudice to the continuance in force of the bond or bonds, impose upon him, in respect of the first such failure, a penalty not exceeding the amount of fine which may be imposed for the original offence but in no case exceeding fifty rupees.

(4) If a penalty imposed under clause (*b*) of sub-setion (3) is not paid within such period as the court may fix, the court may sentence the offender for the original offence.

Provision as to bonds.

8. The provisions of sections 122, 126, 126-A, 406-A (*b*) and (*c*), 514, 514-A, 514-B and 515 of the Code, shall, so far as may be, apply in the case of sureties given under this Act.

Appointment of probation officers.

9. (1) A probation officer named in a supervision order may be—

(*a*) any person appointed to be a probation officer by the Government or a person authorsied by them, or

(*b*) any person provided for this purpose by a society recognised in this behalf by the Government, or

(*c*) in any exceptional case, any other person who, in the opinion of the court, is a fit person to act as a probation officer in the special circumstances of the case.

Explanation:—A probation officer may be a person of either sex.

(2) In naming a probation officer in a supervision order, the court shall be guided by any general or special instructions the Government may issue in this behalf.

(3) A probation officer, in the discharge of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the offender for the time being resides.

(4) The court before which an offender is bound by his bond to appear for sentence when called upon, or the District Magistrate of the district in which the offender for the time being resides, may at any time appoint another probation officer in the place of the person named in a supervision order.

Explanation :—For the purposes of this section, the City of Hyderabad and Secunderabad shall be deemed to be a district and the Commissioner of City Police shall be deemed to be the District Magistrate of that district.

Duties of probation officers.

10. A probation officer shall, subject to rules made under this Act and to the directions of the court—

(*a*) visit or receive visits from the offender at such reasonable intervals as many be specified in the supervision order, or subject thereto, as the probation officer may think fit ;

(*b*) see that he observes the conditions of the bond or bonds executed by him ;

(*c*) report to the court as to his behaviour ; and

(*d*) advise, assist and befriend him, and when necessary, endeavour to find suitable employment for him ;

Variation of conditions of probation and discharge of bonds executed by offender.

11. The court before which any offender is bound by his bond under section 4 to appear for sentence when called upon—

(*a*) may at any time if it appears, upon the application of the probation officer, that it is expedient that the bond or bonds executed by the offender should be varied, summon him and if he fails to show cause why such variation should not be made, vary the bond or bonds by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of the original order and shall not extend beyond the date on which in the opinion of the court, the offender shall attain the age of twenty-five years), or by altering the conditions thereof or by inserting additional conditions therein, or

(*b*) may on application made by the probation officer and on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond or bonds executed by him.

Effect of variation of bond on sureties.

12. (1) When any condition in a bond is relaxed under the provisions of section 11, the condition as so relaxed and not the original condition shall be binding on the sureties to the bond.

(2) Where any condition in a bond is made more onerous under the provisions of section 11, such condition shall not be binding in the more onerous form on any surety to the bond, unless he has accepted it in writing, but the condition in its original form shall continue to bind any surety who has not accepted the condition in its more onerous form.

(3) Where any additional condition is imposed under the provisions of section 11, such additional condition shall not be binding on any surety to the bond unless he has accepted it in writing.

(4) No variation in, or addition to, the conditions of any bond made under the provisions of section 11, shall affect the liability of any surety to the bond in respect of any condition which has not been varied.

Removal of disqualification attaching to convicton for offences.

13. Any person who is found guilty of an offence and is dealt with under the provisions of this Act shall not suffer any disqualfication attaching to a conviction for the offence :

Provided that this section shall not apply to a person released on probation if subsequent to such release he was sentenced under sub-setion (3) of setion 7 or a penalty was imposed on him under that sub-section.

Power of Government to make rules.

14. (1) The Government may, either generally or specially for any area or areas in which this Act is in force, make rules consistent with this Act for carrying out all or any of the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(*a*) any matters incidental to the appointment, resignation and removal of probation officers;

(*b*) the payment of remuneration and expenses to probation officers or of a subsidy to any society which provides persons for appointment as probation officers; and

(*c*) the conditions on which societies may be recognized for the purposes of clause (*b*) of sub-section (1) of section 9.

(3) All rules made under this section shall be subject to the condition of previous publication.

Saving of the operation of the Hyderabad Children Act, 1951 XXXII of 1951).

15. Nothing in this Act shall affect the provisions of the Hyderabad Children Act, 1951.

Saving of the jurisdiction of the High Court.

16. Nothing in this Act shall be deemed in any way to affect or derogate from the jurisdiction of the High Court.

THE WALI-UD-DOWLA SUCCESSION (DECISION OF DISPUTES) (REPEALING) ACT, 1953.

No. XIII OF 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, and commencement.
2. Repeal of Hyderabad Act, XVI of 1950.

*THE WALI-UD-DOWLA SUCCESSION (DECISION OF DISPUTES) (REPEALING) ACT, 1953.

No. XIII OF 1953.

An Act to repeal the Wali-ul-Dowla Succession (Decision of Disputes) Act, 1950.

Whereas the Wali-ud-Dowla Succession (Decision of Disputes) Act. 1950 (No XVI of 1950), har been declared both by the Hyderabad High Court and the Supreme Court to be invalid and it is accordingly expedient to repeal the said Act. Preamble.

IT is hereby enacted as follows :—

1. (1) This Act may be called the Wali-ud-Dowla Succession (Decision of Disputes) Repealing) Act, 1953. Short title and commencement.

(2) It shall come into force at once.

2. The Wali-ud-Dowla Succession (Decision of Disputes) Act, 1950, is hereby repealed. Repeal of Hyderabad Act XVI of 1950.

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* Published in Gazette Extraordinary No. 183 dated 26th September 1953.

THE RESTRICTION OF CASH CROPS CULTIVATION REGULATION (REPEALING) ACT, 1953.

No. XIV of 1953.

CONTENTS

Preamble.

Sections.

1. Short title, extent and commencement.

2. Repeal of the Restriction of Cash Crops Cultivation Regulation, 1353 F.

* THE RESTRICTION OF CASH CROPS CULTIVATION REGULATION (REAPELING) ACT, 1953.

No. XIV of 1953.

An Act to repeal the Restriction of Cash Crops Cultivation Regulation, 1353 *Fasli.*

WHEREAS it is expedient to repeal the Restriction of Cash Crops Cultivation Regulation, 1353 Fasli. Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Restriction of Cash Crops Cultivation Regulation (Repealing) Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force at once.

2. The Restriction of Cash Crops Cultivation Regulation, 1353 F., is hereby repealed. Repeal of the Restriction of Cash Crops Cultivation Regulation, 1353 F.

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*Published in Gazette Extraordinary No. 183 dated 26th September, 1953.

THE CODE OF CIVIL PROCEDURE (HYDERABAD SECOND AMENDMENT) ACT, 1953.

No. XVIII of 1953.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.

2. Amendment of section 60, Central Act, V of 1908.

*THE CODE OF CIVIL PROCEDURE (HYDERABAD SECOND AMENDMENT) ACT, 1953.

No. XVIII OF 1953.

An Act further to amend the Code of Civil Procedure, 1908, in its application to the State of Hyderabad.

Preamble.

Whereas it is expedient further to amend the Code of Civil Procedure, 1908, in its application to the State of Hyderabad, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Hyderabad Second Amendment) Act, 1953.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force at once.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908.—

Amendment of section 60 Central Act, V of 1908.

(1) after clause *(g)* the following clause shall be inserted, namely :—

" *(gg)* pension granted or continued by the Central Government, the Government of Hyderabad or any other State Government on account of past services or present infirmities or as a compassionate allowance : " and

(2) in Explanation 2-A, for the word, brackets and letters " clause *(kk),* " the words, brackets and letters " clause *(gg)* " or clause *(kk)* " shall be substituted.

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* Published in Gazette Extraordinary No. (223), Dated 2nd Dec. 1953.

THE HYDERABAD LAND IMPROVEMENT ACT, 1953.

No. XIX of 1953.

CONTENTS.

Preamble.

CHAPTER I.

Preliminary.

Sections.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

Constitution of the Board and preparation of Land Improvement Schemes.

3. Constitution of the Board.
4. Power of Board to direct preparation of Land Improvement Schemes.
5. Publication of the Scheme and inviting objections and enquiry and report.
6. Power of the Board to sanction scheme with or without modifications.
7. Power of the Board to make regulations.

CHAPTER III.

Execution of the Scheme.

8. Power to enforce the Scheme.
9. Liabilities of persons whose lands are not included.
10. Government may carry out works in a scheme.

CHAPTER IV.

Maintenance, repair and use of works carried out under the scheme.

11. Preparation of statement.
12. Obligations of persons to maintain and repair works.

CHAPTER V.

Miscellaneous.

13. Right of entry.

14. Amounts to be recoverable as arrears of land revenue.

15. Penalty.

16. Procedure and power at enquiries.

17. Certain officers to be public servants.

18. Protection of persons acting in good faith.

19. Registration of documents, plan or map in connection with land improvement scheme not required.

20. Power to delegate.

20-A. Power of Hyderabad Government to direct preparation of scheme in certain circumstances.

21. Power to make rules.

22. Repeal.

*THE HYDERABAD LAND IMPROVEMENT ACT, 1953.

No. XIX OF 1953.

An Act to ensure proper utilisation of land and to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to ensure proper utilisation of land and to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil, erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the state of Hyderabad.

IT is hereby enacted as follows: –

CHAPTER I.

Preliminary.

Short title, extent and commencement

1. (1) This Act may be called the Hyderabad Land Improvement Act, 1953.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force in such areas and on such dates as the Government may by notification in the Jarida appoint in this behalf

Definitions.

2. (1) In the Act, unless there is anything repugnant in the subject or context,—

(*a*) "Board" means the Hyderabad Land Improvement Board constituted under section 3;

(*b*) "Chairman" means the Chairman of the Board;

*Published in Gazette Extraordinary No. 228, dated 4th December, 1953.

(*c*) Committee" means the Land Improvement Committee constituted under section 4 ;

(*d*) "Executing Officer" means the Chairman of the Committee who is required under sub-section (1) of section 8 to execute the Scheme.

(*e*) "Member" means a Member of the Board ;

(*f*) " Owner " includes an owner of land in severality, in common or joint, an occupant, a pattedar, a shikmidar, a tenant who is deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950 or a mortgagee in possession ;

(*g*) "Prescribed" means prescribed by rules made under this Act ;

(*h*) "Scheme" means a land improvement scheme prepared under this Act ;

(*i*) "Secretary" means an Officer appointed by the Board to act as such for transacting the business of the Board.

(2) Words and expressions used in this Act but not defined shall have the meanings assigned to them in the Hyderabad Land Revenue Act (VIII of 1317 F.)

CHAPTER II.

Constitution of the Board and Preparation of Land Improvement Schemes.

Constitution of the Board.

3. (1) The Government may, for the purpose of carrying out provisions of this Act, constitute for the State of Hyderabad a Board called the Hyderabad Land Improvement Board consisting of :—

(*i*) a Member of the Board of Revenue who shall be the Chairman of the Board, and

(*ii*) the Chief Engineer for Irrigation,

(*iii*) the Chief Conservator of Forests,

(*iv*) the Dirtector of Agriculture, and

(*v*) three persons elected by the Hyderabad Legislative Assembly who shall be the members of the Board.

(2) The Government may, from time to time, on the advice of the Board, co-opt any other person to be a member of the Board for such period as the Government thinks fit.

(3) If there is a difference of opinion amongst the members of the Board regarding any question under the provisions of this Act, decision of the majority of members shall prevail :

Provided that when their opinion is equally divided the Chairman shall have a casting vote.

(4) All communications and orders of the Board shall be issued by the Secretary.

Power of Board to direct preparation of Land Improvement Schemes.

4. (1) The Board May direct the preparation of a scheme for any area within its jurisdiction to make provision for any one or more of the following matters :—

(*i*) reclamation of waste, saline or water-logged land ;

(*ii*) maintenance and improvement of soil fertility ;

(*iii*) prevention of erosion of soil ;

(*iv*) making dry lands suitable for irrigation ;

(*v*) fixing of zones for different types of irrigation ;

(*vi*) introduction of drv farming or mixed farm methods of cultivation ;

(*vii*) improvement in the methods of cultivation ;

(*viii*) prohibition or control of grazing or reservation of lands for pasture ;

(*ix*) planting and maintenance of trees and control of tree growth ;

(*x*) such other matters consistent with the objects of this Act as may be prescribed.

(2) On the issue of a direction under the provisions of sub-section (1), the Board shall constitute a land improvement committee to prepare, in accordance with such instructions as it may issue, a draft scheme containing the following particulars :—

(*i*) the object of the scheme ;

(*ii*) the approximate area of the lands to be included in the scheme ;

(*iii*) the work or kind of work to be carried out under the scheme ;

(*iv*) the agency or agencies through which the work shall be carried out ;

(*v*) such other particulars as may be prescribed.

(3) The committee shall constist of : (*i*) an Officer of the Government ; (*ii*) a person nominated by the Board from amongst the persons whose interests, in the opinion of the Board, may be affected by this scheme ; and (*iii*) a person having special knowledge of the subject matter of the scheme :

Provided that the Chairman may co-opt with the approval of the Collector, two agriculturists of the area concerned if the scheme relates to agricultural improvements.

Publication of the Scheme and inviting objections and enquiry and report.

5. (1) The draft scheme prepared under section 4 shall be forwarded to the Collector, who shall publish the scheme in the Jarida in the village and at the head-quarters of the taluq and district in which the lands proposed to be included in the scheme are situated.

(2) The Collector shall, while publishing the scheme in the Jarida and in the village under sub-section (1), require all persons affected by the scheme who wish to make objections to the scheme or part thereof to submit, within 30 days of the publication of the scheme in the Jarida or in the village concerned, whichever is later, under the said sub-section, their objections in writing to the committee.

(3) On the date appointed or on such subsequent dates to which from time to time he may adjourn the hearing, the committee shall hear such objections as are made to them and consider all other objections duly submitted under sub-section (2) and submit their report together with the objections to the Collector.

(4) The committee may while submitting their report under sub-section (3) recommend any modifications which in their opinion are required to any of the particulars contained in the draft scheme.

Power of the Board to sanction scheme with or without modifications.

6. (1) After consideration of the objections and the report submitted under sub-section (3) of section 5 and of any further report which the Collector may require the Committee to submit, the Collector shall submit the scheme to the Board with his comments.

(2) The Board after consideration of the report may sanction the scheme with or without modifications or reject it :

Provided that if the owners of more than fifty per cent. of the area of the land included in the scheme, other than State lands have made objections to the scheme or part thereof, the Board shall submit the scheme to the Government for its orders. The Government may thereupon sanction it with or without modifications or reject it.

(3) The Scheme as sanctioned under sub-section (2) shall be published in the Jarida in the village and at the headquarters of the taluq and the district in which the lands included in the scheme are situate and shall on such publication come into force and be deemed final.

Power of the Board to make regulations.

7. For the purpose of carrying out the objects of the scheme which has come into force under section 6, the Board may make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters ancilliary or incidental to the scheme.

CHAPTER III.

Execution of the Scheme.

Power to enforce the scheme.

8. (1) After a scheme has come into force under section 6, the Board shall require the Chairman of the committee who shall be the Executing Officer to execute the same.

(2) Every owner of land included in the scheme shall pay the costs or part of the costs, as the case may be, of the works which under the scheme are carried out by the Government in his land at the cost or part of the cost of the owner.

(3) If the owner of the land included in the scheme desires to carry out himself any works which under the

scheme are to be carried out in his land by the Government at the cost or part of the cost of the owner, he shall give notice in writing to that effect to the committee within 30 days of the publication of the scheme in the Jarida under sub-section (3) of section 6 or in the village concerned, whichever is later.

(4) On receipt of such notice, the committee shall inform the owner of the works which are to be carried out in his land and fix a date before which the owner shall carry out the works.

(5) If such owner fails to carry out any work to the satisfaction of the committee before the date fixed, or at any time expresses in writing to the committee his inability to do so, the committee may ask the Chairman to get the work carried out and recover the expenses incurred from the owner in such manner as may be prescribed.

(6) Where the owner of land included in the scheme is the State, the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or by the Government, as the case may be, shall carry out the works which the State as the owner of the land is liable to carry out under the scheme.

Liabilities of persons whose lands are not included.

9. (1) If, in consequence of any work carried out under the scheme any person, including the state, other than the owner of the land in which the work is done, is likely to be benefited, such persons shall pay such amount to the owner of the lands as contribution as the Board may determine, if the work is carried out by the owner; or to the Government if the work has been carried out by committee :

Provided that the Board may excuse payment of such contribution whole or in part in respect of any work carried out in the land belonging to the State.

(2) The amount shall be paid within such time as may be specified by the Board. On failure of any person to pay the amount within the time specified, the Collector or any other Officer authorised by him in this behalf shall recover it from him and pay the same to the owner of the land in such manner as may be prescribed.

Government may carry out works in a scheme.

10. (1) Notwithstanding anything contained in this Act, the Government may in the case of any scheme which has come into force under section 6 direct that the work under the scheme to be carried out by the owners of the lands shall be carried out by the Government and that the cost of such work shall be recovered in whole or in part from the owner of the lands included in the scheme in such proportion as the Government may fix having regard to the area or assessment or both, of the lands included in the scheme.

(2) The cost directed to be recovered under sub-section (1), with interest at such rate as the Government may direct, shall be recoverable from the owners concerned in such number of annual instalments equated or otherwise, payable on the dates appointed for the payment of the first instalment of land revenue as may be prescribed.

CHAPTER IV.

Maintenance, repair and use of works carried out under the scheme.

Preparation of statement.

11. (1) The committee on completion of the work or part of the work prepare a statement giving for any specified area the following particulars :—

(a) (*i*) the work done ;

(*ii*) the cost thereof ;

(*iii*) the total amount to be recovered from the owners ;

(*iv*) the general rate per acre or per rupee of assessment per annum at which such amount shall be recovered from the owners ;

(*v*) the period within which such amount is to be recovered ;

(*vi*) the person or persons liable to maintain and repair the work ;

(b) if in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list

of such survey numbers or subdivisions and the rate at which the cost is to be recovered from the owner of such survey numbers or subdivisions;

(*c*) a map showing the work carried out in the village.

(*d*) such other matters as may be prescribed.

(2) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the Record of rights or where there is no Record of Rights, in such village record and in such manner as may be prescribed and shall thereupon form part of such Record of Rights or such Village Records.

Obligations of persons to maintain and repair works.

12. (1) Every person shown in the statement prepared under section 11 as liable to maintain and repair work shall, to the satisfaction of the Tahsildar, and within such time as the Said Officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(2) If any such person fails to maintain or repair the work within the time fixed by the Tahsildar under sub-section (1), the Tahsildar shall himself get the work executed or repaired and recover the cost thereof from such person.

CHAPTER V.

Miscellaneous.

Right of entry.

13. For the purpose of preparing, sanctioning or executing any scheme or repairing or maintaining any work under any scheme, any person authorised by the Board may, after giving such notice as may be prescribed, to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Amounts to be recoverable as arrears of land revenue.

14. All amounts due under the provisions of this Act shall be recoverable as arrears of land revenue.

Penalty.

15. Any person who contravenes or causes any contravention of any of the provisions of a scheme which

has come into force under section 6, or any regulation made under section 7, or does any act which causes damage to any of the works carried out under the scheme, or fails to fulfil any liability imposed on him under section 12 shall on conviction be punishable with fine which may extend to Rs. 50 or with simple imprisonment for a period which may extend to one month or with both.

Procedure and power at enquiries.

16. (1) Any authority empowered to make an inquiry under the Act shall make the inquiry in the manner provided for holding a summary inquiry under the Hyderabad Land Revenue Act (VIII of 1317 F.) and all the provisions contained in the said Act relating to the holding of a summary inquiry shall, so far as may be, apply.

(2) Such authority shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the Revenue Officers under the Hyderabad Land Revenue Act (VIII of 1317 F.).

Certain Officers to be public servants.

17. Any Officer duly authorised to perform any of the functions under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Protection of persons acting in good faith.

18. No suit, prosecution of other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

Registration of document plan or map in connection with land improvement scheme not required.

19. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan, or map prepared, made or sanctioned in connection with a scheme which has come into force.

(2) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act :

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

Power to delegate.

20. The Government, and subject to the control of the Government, the Board or the Collector may delegate to any officer any of the powers conferred on it or him by or under this Act.

Power of Hyderabad Government to direct preparation of scheme in certain circumstances.

20-A. (1) Notwithstanding anything contained in this Act, Hyderabad Government may direct the preparation of a Land Improvement Scheme providing for any of the matters specified in sub-section (1) of section 4 in any area in which the Government declares that a state of famine or scarcity prevails or in which in the opinion of the Government a state of famine or scarcity is likely to prevail.

(2) On such direction the committee appointed by the Government or Board, in this behalf shall prepare in accordance with such instructions as the Government or the Board may issue, a draft scheme containing the particulars specified in sub-section (2) of section 4 and submit it to the Government or the Board, as the case may be, for its approval.

(3) After the scheme is submitted to the Government or the Board for approval under sub-section (2) the provisions of sections 5 to 19 and the Rules made under section 21 shall, so far as they can be made applicable, apply in respect of such scheme.

Power to make rules.

21. (1) The Government may, by notification in the Jarida, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

(*a*) all matters to be prescribed under this Act ;

(*b*) the manner in which the rights and liabilities shown in the statements prepared under section 11 shall be entered in the Record of Rights or in Village Record ;

(c) the manner of giving notice where notice is to be given under this Act ;

(d) the number of annual instalments equated or otherwise payable under sub-section (2) of section 10.

22. The Improvement of Agricultural Land and Management of Irrigation Sources Regulation of 1353 Fasli is hereby repealed. Repeal.

*THE HYDERABAD AGRICULTURAL INCOME-TAX (AMENDMENT) ACT, 1954.

No. I OF 1954.

An Act to amend the Agricultural Income-tax Act, 1950.

Preamble.

WHEREAS it is expedient to amend the Hyderabad Agricultural Income-tax Act, 1950, for the purposes hereinafter appearing ;

IT is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Agricultural Income-tax (Amendment) Act, 1954.

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1951 ; the rest of this Act shall come into force at once.

2. ... **[Omitted].

Validation of assessment or collection of Agricultural Income-tax for certain financial years.

3. No assessment or collection of Agricultural Income-tax for any financial year or part of a financial year commencing on the 1st day of April, 1951, or the 1st day of April, 1952, or the 1st day of April, 1953, shall be deemed to be invalid or shall be called in question in any proceedings (including pending proceedings) before any Court or authority, merely on the ground that such assesment or collection was not made or the said tax was not made payable by or under any annual Hyderabad Finance Act for any of the said financial years.

Repeal of Hyderabad Ordinance 1, of 1953.

4. The Hyderabad Agricultural Income-tax (Amendment) Ordinance, 1953, is hereby repealed.

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* Published in Gazette Extraordinary, No. 21 dated 27th January, 1954.

** Omitted by Act No. IV of 1955.

THE HYDERABAD AGRICULTURAL INCOME-TAX (VALIDITY OF NOTICES) Act, 1954.

No. II of 1954.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Validity of certain Notices.
3. Repeal.

*THE HYDERABAD AGRICULTURAL INCOM-TAX (VALIDITY OF NOTICES) ACT, 1954.

No. II of 1954.

An Act to remove doubts as to the validity of certain notices under the Hyderabad Income-tax Act, 1357 Fasli, in its application to agricultural income and under the Hyderabad Agricultural Income-tax Act, 1950.

Preamble.

WHEREAS it is expedient to remove doubts as to the validity of certain notices under the Hyderabad Income-tax Act, 1357 Fasli, in its application to agricultural income and under the Hyderabad Agricultural Income-tax Act, 1950;

IT is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Agricultural Income-tax (Validity of Notices) Act, 1954.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force at once.

Validity of Certain Notices.

2. For the removal of doubts it is hereby enacted that every notice, so far as it relates to agricultural income, published or issued whether before or after the commencement of this Act,—

(*a*) under sub-section (2) of section 30 of the Hyderabad Income-tax Act, 1357 F., or

(*b*) under sub-section (1) of section 46 of the Hyderabad Income-tax Act, 1357 F., or

(*c*) under sub-section (2) of section 19 of the Hyderabad Agricultural Income-tax Act, 1950, or

(*d*) under section 27 of the Hyderabad Agricultural Income-tax, 1950, of

*Published in Gazette Extraordinary No. (21) dated 27th January, 1954.

(*e*) under or purporting to be under or in pursuance of any other provision of the said Acts requiring the submission of return of income,—

shall, notwithstanding any judgment or order to the contrary of any Court, Appellate Tribunal or Income-tax or Agricultural Income-tax Authority exercising jurisdiction in matters provided for in the said Acts in respect of agricultural income and whether or not any specified date on or before which the return is to be furnished is or has been given in the notice as an alternative, be deemed to give or to have given a period of notice in full compliance with law, and no such notice shall be called in question or be deemed to be or at any time to have been invalid for any purpose whatsoever (including any proceedings instituted whether before or after the commencement of this Act under or for a contravention of any of the provisions of either of the above-mentioned Acts so far as they relate to agricultural income) on the ground merely that a period insufficient in law within which to carry out the requirements of the notice has been specified therein.

Repeal.

3. The Hyderabad Agricultural Income-tax (Validity of Notices) Ordinance, 1953, is hereby repealed.

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THE HYDERABAD LEPROSY ACT, 1954.

No. IV of 1954.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Liprosy institutions by Government.
4. Appointment of Inspectors of leprosy and Superintendents of institutions.
5. Constitution of Board.
6. Arrest of pauper leprosy patients.
7. Person arrested how to be dealt with.
8. Procedure with regard to pauper leprosy patients.
9. Power to prohibit leprosy patients from following certain trades and doing certain acts.
10. Conviction after previous conviction.
11. Penalty on person employing leprosy patients in prohibited trade.
12. Rearrest of escaped leprosy patients.
13. Inspection by Board.
14. Order of discharge by Board.
15. Appeals.
16. Power of Government to make rules.
17. Power to local authorities to expend funds and appropriate property to institutions.
18. Protection to persons acting bonafide under the Act.

*THE HYDERABAD LEPROSY ACT, 1954.

No. IV OF .954.

An Act to provide for the segregation and medical treatment of pauper infectious leprosy patients and the control of all infectious leprosy patients.

WHEREAS it is expedient to provide for the segregation and medical treatment of pauper infectious leprosy patients and the control of all infectious leprosy patients ; Preamble.

IT is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Leprosy Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) The Government may by notification in the Jarida bring this Act or any part thereof in force in the whole or any portion of the State of Hyderabad.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Board" means a Board constituted under section 5 ;

(2) "leprosy institution" means a leprosy institution appointed under section 3;

(3) "leprosy patient" means any person suffering from the infectious variety of leprosy; and

(4) " pauper leprosy patient " means a leprosy patient—

*Published in Gazette Extraordinary No. (57) dated 6th March, 1954.

(*a*) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(*b*) who is at large without any ostensible means of subsistence.

Appointment of leprosy institutions by Government.

3. The Government may by notification in the Jarida, appoint any place to be a leprosy institution, if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of leprosy patients therein, and may, by a like notification, specify the local areas from which leprosy patients may be sent to such institution.

Appointment of Inspectors of leprosy and Superintendents of institutions.

4. Subject to any rules which may be made under section 16, the Government may appoint any Medical Officer of the Government or other qualified medical man to be an Inspector of leprosy and any person to be a Superintendent of a Leprosy Institution with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Constitution of Board.

5. The Government shall constitute for every leprosy institution appointed under section 3 a Board consisting of not less than three members, of whom at least one shall be a Medical Officer of Government and two shall be non-officials.

Arrest of pauper leprosy patients.

6. (1) Within any local area which has been specified under section 3 any police officer or any other person empowered by the Government by order in writing or by rules made in this behalf, may arrest without a warrant any person who appears to him to be a pauper leprosy patient.

(2) Such police officer or other person so empowered shall forthwith take or send the person so arrested to the nearest convenient police station.

Person arrested how to be dealt with.

7. Every person brought to a police station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Leprosy who,—

(*a*) if he finds on examination that such a person is not a leprosy patient within the meaning of section 2, shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest;

(*b*) if he finds on examination that such a person is a leprosy patient within the meaning of section 2, shall give to the police officer, in whose custody the leprosy patient is, a certificate in Form B set forth in the Schedule whereupon the leprosy patient shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

Procedure with regard to pauper leprosy patients.

8. (1) If it appears to any Magistrate of the first class or to any other Magistrate authorised in this behalf by the Government, upon the certificate in Form B set forth in the Schedule, that any person is a lepsory patient, and if it further appears to the Magistrate that the person is a pauper leprosy patient, he may, after recording the evidence on the above-mentioned points, and his order thereon send the pauper leprosy patient in charge of a police officer, together with an order in Form C set forth in the Schedule, to a leprosy institution, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate:

Provided that, if the person denies the allegation of leprosy the Magistrate shall call and examine the Inspector of Leprosy, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leprosy patient and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be pauper leprosy patient shall undertake in writing to the satisfaction of the Magistrate that such pauper leprosy patient shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leprosy patient to an institution may subject to such conditions as he may specially make the leprosy patient over to the care of such friend or relative, requiring him, if he thinks fit to enter into a bond with one or more surieties, to which the provisions of section 514 of the Code of Criminal Procedure, 1898 shall be applicable.

(2) If the Magistrate finds that such person is not a leprosy patient or that if a leprosy patient, he is not a pauper leprosy patient, he shall forthwith discharge him.

Power to prohibit leprosy patients from following certain trades and doing certain acts.

9. (1) The Government may, by notification in the Jarida, order that no leprosy patient shall, within any area specified under section 3,—

(*a*) personally prepare for sale or sell, any article of food or drink or any drugs or clothing intended for human use; or

(*b*) bathe, wash clothes or take water from any public well or tank; or

(*c*) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or

(*d*) excercise any trade or calling which may by such notification be prohibited to leprosy patients; or

(*e*) commit any other act which may be prohibited by such notification.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with a fine which may extend to fifty rupees:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Leprosy, and shall not proceed with the case unless such Inspector furnishes a certificate in Form B, set forth in the Schedule in respect of such person.

Conviction after previous conviction.

10. (1) Whenever any leprosy patient who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate, may, in addition, to or in lieu of, any punishment to which such leprosy patient may be liable, require him to enter into a bond with one or more sureties, binding him to depart forthwith from the local area specified under section 3, in which he is, and not to enter that or any other local area so specified until an Inspector of Leprosy shall have given him a certificate in Form A, set forth in the Schedule.

(2) If any such leprosy patient fails to furnish security required under sub-section (1), the Magistrate may send

him in charge of a police officer, with an order in Form D, set forth in the Schedule, to a leprosy institution, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be excercised by a Magistrate of the first class.

Penalty on person employing leprosy patients in prohibited trade.

11. Any person who, within any area specified under section 3, knowingly employs a leprosy patient in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty rupees:

Provided that the alleged leprosy patient shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Leprosy and shall not proceed with the case unless such Inspector furnishes a certificate in Form B, set forth in the Schedule in respect of such alleged leprosy patient.

Rearrest of escaped leprosy patients

12. Whoever having been sent to a leprosy institution under an order of a Magistrate in Form C, set forth in the Schedule, escapes from or leaves the institution without the permission in writing of the Superintendent thereof may be arrested (without a warrant by any police officer or by any other person especially empowered by the Government by order in writing in this behalf), and upon arrest shall be forthwith taken back to the leprosy institution.

Inspection by Board.

13. Two or more members of the Board, one of whom shall be the Medical Officer, shall, once at least in every three months, together inspect the leprosy institution for which they are constituted, and see and examine (*a*) every leprosy patient therein admitted since the last inspection, together with the order for his admission, and (*b*) as far as circumstances will permit every other leprosy patient therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the institution and the leprosy patient therein.

Order of discharge by Board.

14. Any two members of the Board, one of whom shall be the Medical Officer, may at any time, by an order in writing in Form E, set forth in the Schedule and signed by them, direct the discharge from the leprosy institution of any leprosy patient detained therein under the provisions of this Act.

Appeals.

15. Any person, other than a pauper leprosy patient, in respect of whom an Inspector of Leprosy has issued a certificate in Form B, set forth in the Schedule, declaring him to be a leprosy patient, or has refused to issue a certificate in Form A, set forth in the Schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

Power of Government to make rules.

16. The Government may, by notification in the Jarida, make rules generally for carrying out the purposes of this Act, and in particular—

(*a*) specifying the police officers and other persons empowered to arrest under section 6;

(*b*) for the guidance of all or any of the officers discharging any duty under this Act; and

(*c*) for the management of, and the maintenance of discipline in, a leprosy intitution.

Power to local authorities to expend funds and appropriate property to institutions.

17. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

(a) establish, or maintain, or establish and maintain or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of a leprosy institution either within or without the local limits of such local authority;

(*b*) with the previous sanction of the Government and subject to such conditions as the Government may prescribe, appropriate any immovable property vested in, or under the control of, such body, as a site for, or for use, as a leprosy institution.

Protection to persons acting *bona fide* under the Act.

18. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Act.

SCHEDULE

A—CERTIFICATE

(Section 7)

I, the undersigned (here enter the name and official designation), hereby certify that I on the.....day of..... at..... .....personally examined (here enter name of person examined) and that the said..... is not a leprosy patient as defined in the Hyderabad Leprosy Act, 1953.

Given under my hand this.....day of.....19 .

(Signature)
Inspector of Leprosy.

B—CERTIFICATE

(Section 7)

I, the undersigned (here enter the name and official designation), hereby that I on the.....day of ..... at.....personally examined (here enter the name of leprosy patient) and that the said.....is a leprosy patient as defined in the Hyderabad Leprosy Act, 1953, and that I, have formed this opinion on the following grounds, namely :—

(Here state the grounds).

Given under my hand this.....day of.....19 .

(Signature)
Inspector of Leprosy.

C—WARRANT OF DETENTION.

(Section 8)

To

The Superintendent of the

Leprosy Institution at.....

Whereas it has been made to appear to me that (name and description) is a pauper leprosy patient as defined in the Hyderabad Leprosy Act, 1953 ;

This is to authorise you, the said Superintendent to receive the said.....into your custody together with this order and him her safely to keep in the said institution until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this..... day of.....19 .

Seal

(Signature)

Magistrate.

D—WARRANT OF DETENTION

To

The Superintendent of the

Leprosy Institution at.....

Whereas (name and description) has this day been convicted by me of an offence punishable under section 9, of the Hyderabad Leprosy Act, 1953, and whereas it has been proved before me that the said (name and description) was previously convicted of an offence punishable under the same section ;

This is to authorise you, the said Superintendent to receive the said.....into your custody together with this order and him/her safely to keep in the said institution until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this..... day of.....19 .

Seal

(*Signature*)

Magistrate.

E—ORDER OF DISCHARGE BY BOARD

(Section 14)

To

The Superintendent of

Leprosy Institution at.....

Whereas (name and description) was committed to your custody under an order, dated the.....day of..... .....19 , and there have appeared to us sufficient grounds for the opinion that he/she can be released without hazard or inconvenience to the community ;

This is to authorise and require you forthwith to discharge the said (name) from your custody.

Given under our hands this..... of.....19 .

(Signatures).

Members of the Institution Board.

* THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION Act, 1954.

No. VII of 1954.

CONTENTS

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 4,12,46,000 out of the consolidated Fund of the State of Hyderabad for the year 1953–54.
3. Appropriation.

Schedule

*THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1954.

No. VII OF 1954.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1954.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1954;

IT is hereby enacted as follows:—

Short title and commencement.

1. (1) This act may be called the Hyderabad State Supplementary Appropriation Act, 1954.

(2) It shall come into force at once.

Issue of Rs. 4,12,46,000 out of the consolidated Fund of the State of Hyderabad for the year 1953–54.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of four crores, twelve lakhs, and forty-six thousand rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1954, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1954.

*Published in Gazette Extraordinary No. (80) dated 31st March, 1954.

SCHEDULE

(See Sections 2 and 3)

Srl. No.	Services and Purposes	Sums not exceeding		
		Charged on the consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3	4	5
1	22-Interest on debt & other Obligations	22,64,000	..	22,64,000
2	23-Appropriation for Reduction or Avoidence of Debt ..	48,07,000	..	48,07,000
3	25-General Administration ..	8,600	5,52,400	5,61,000
4	29-Police	..	6,12,000	6,12,000
5	43-Industries & Supplies ..	..	4,93,000	4,93,000
6	XLI-Receipts from Electricity Schemes—Deduct working expenses	..	51,89,000	51,89,000
7	54-Famine			
	A-Famine Relief	..	7,03,000	7,03,000
	B-Relief Fund	..	1,74,000	1,74,000
8	54-A-Territorial and Political Pensions	..	12,71,000	12,71,000
9	55-A-Commutation of Pensions financed form ordinary Revenues	..	4,29,000	4,29,000
	Total Expenditure on Revenue Account	70,79,600	94,23,400	1,65,03,000
10	68-Construction of Irrigation, etc ..	..	18,06,000	18,06,000
11	80-A-Capital Outlay on Multi-purpose River Schemes ..	..	1,89,000	1,89,000
12	81-A-Capital Outlay on Electricity Schemes ..	..	9,18,000	9,18,000
13	85-A-Capital Outlay on State Schemes of State Trading ..	..	1,04,51,000	1,04,51,000
14	85-B-Appropriation to the Contingency Fund.. ..	..	1,00,00,000	1,00,00,000
	Total Capital Expenditure outside the Revenue Acccount ..	..	2,33,64,000	2,33,64,000
15	Repayment of Public Debt ..	13,79,000	..	13,79,000
	Total Disbursements under Debt Heads	13,79,000	..	13,79,000
	Grand Total	84,58,600	3,27,87,400	4,12,46,000

THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION (No. 2) ACT, 1954.

No. VIII OF 1954.

CONTENTS

Preamble.

Sections.

1. Short title and commencement.

2. Issue of Rs. 6,07,35,867 out of the Consolidated Fund of the State of Hyderabad for the year 1953–54.

3. Appropriation.

Schedule.

*THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION (No. 2) ACT, 1954.

No. VIII of 1954.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the Service of the year ending on the 31st day of March, 1954.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1954;

IT is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation (No. 2) Act, 1954.

(2) It shall come into force at once.

Issue of Rs, 6,07,35,867 out of the Consolidated Fund of the State of Hyderabad for the year 1953-54.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of six crores, seven lakhs, thirty-five thousands, eight hundred and sixty-seven rupees towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1954, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1954.

[*Statement.*

* Published in Gazette Extraordinary No. (80) dated 31st March, 1954.

SCHEDULE

(See sections 2 and 3)

Srl. No.	Services & Purposes	SUMS NOT EXCEEDING		Total
		Charged on the consolidated Fund	Other expenditure to be met out of the Consolidated Fund	
1	2	3	4	5
1.	25-General Administration ...	...	65,715	65,715
2.	47-Miscellaneous Departments ...	...	2,50,000	2,50,000
	Total Expenditure on Revenue Account ...	...	3,15,715	3,15,715
	Loans and Advances			
3.	*(e)* Miscellaneous Loans & Advances (XV)-Loan to Hyderabad State Bank ...	...	5,00,00,00	5,00,00,000
4.	*(d) (iii)* Taccavi Advances to Agriculture Dept ...	...	1,04,20,152	1,04,20,152
	Total Disbursements under Debt Heads ...	...	6,04,20,152	6,04,20,152
	Grand Total ...	...	6,07,35,867	6,07,35,867

THE HYDERABAD STATE APPROPRIATION ACT, 1954.

No. IX of 1954.

CONTENTS

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 52,35,39,485 out of the Consolidated Fund of the State of Hyderabad for the year ending on the 31st day of March, 1955.
3. Appropriation.

Schedule.

*THE HYDERABAD STATE APPROPRIATION ACT, 1954.

No. IX of 1954.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1955.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1955 ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad State Appropriation Act, 1954. Short title and commencement.

(2) It shall come into force at once.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of fifty-two crores, thirty-five lakhs, thirty-nine thousands, four hundred and eighty-five rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1955, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 52,35,39,485 out of the Consolidated Fund of the State of Hyderabad for the year ending on the 31st day of March, 1955.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1955. Appropriation.

[Statement.

*Published in Gazette Extraordinary No. (80) dated 31st March, 1954.

SCHEDULE

(*See Sections 2 & 3*).

Srl. No.	Services & purposes	Heads of Account	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5	6
1	Taxes on Income other than Corporation Tax ...	4. Taxes on Income other than Corporation Tax ...	Rs. 55,000	Rs. ...	Rs. 55,000
2	Land Revenue ...	7. Land Revenue ...	1,46,89,000	...	1,46,89,000
3	State Excise Duties ...	8. State Excise Duties	90,03,000	...	90,03,000
4	Stamps	9. Stamps ...	3,19,000	...	3,19,000
5	Forest	10. Forest ...	36,52,000	...	36,52,000
6	Registration ...	11. Registration ...	4,31,000	...	4,31,000
7	Charges on account of Motor Vehicles Acts	12. Charges on Account of Motor Vehicles Acts ...	16,22,000	...	16,22,000
8	Other Taxes & Duties	13. Other Taxes & Duties ...	46,04,000	...	46,04,000
9	Irrigation Works:- Works for which Capital Accounts are kept ...	XVII. Irrigation, etc. works for which Capital Accounts are kept. Working expenses ...	11,01,678	...	11,01,678
10	Other Revenue Expenditure financed from ordinary Revenues ...	18. Other Revenue Expenditure financed from ordinary Revenues ...	96,10,380	...	96,10,380
11	Interest on Debt and other obligations ...	22. Interest on Debt and other obligations	...	1,94,51,735	1,94,51,735
12	Appropriation for reduction or avoidance of Debt ...	23. Appropriation for reduction or avoidance of Debt ...	...	3,08,23,210	3,08,23,210
13	General Administration ...	25. General Administration	99,60,167	3,56,800	1,03,16,967
14	Administration of Justice ...	27. Administration of Justice	43,94,000	10,07,000	54,01,000
15	Jails & Convict Settlements ...	28. Jails & Convict Settlements ...	25,82,000	...	25,82,000
16	Police ...	29. Police ...	3,29,39,000	...	3,29,39,000
17	Scientific Departments ...	36. Scientific Departments ...	4,32,000	...	4,32,000

SCHEDULE—(*Contd.*)

1	2	3	4	5	6
			Rs.	Rs.	Rs.
18	Education ...	37. Education ...	5,16,21,000	...	5,16,21,000
19	Medical ...	38. Medical ...	1,20,81,351	...	1,20,81,351
20	Public Health ...	39. Public Health ...	87,42,538	...	87,42,538
21	Agriculture ...	40. Agriculture ...	78,47,920	...	78,47,920
22	Veterinary ...	41. Veterinary ...	23,56,817	...	23,56,817
23	Co-operation ...	42. Co-operation ...	22,54,733	...	22,54,733
24	Industries and Supplies ...	43. Industries and Supplies ...	23,31,712	...	23,31,712
25	Misc. Departments ..	47. Misc. Departments ...	66,81,543	...	66,81,543
26	Civil Works ...	50. Civil Works ...	2,13,53,620	...	2,13,53,620
27	Other Revenue Expenditure connected with Electricity Schemes ...	52-A Other Revenue expenditure connected with Electricity Schemes ...	53,414	...	53,414
28	Electricity Schemes: Working Expenses ...	XLI. Working Expenses	90,72,000	...	90,72,000
29	Road Transport Department ...	XLVI-A. Receipts from Road Transport Department: Working Expenses ...	2,53,88,000	...	2,53,88.000
30	Territorial & Political Pensions ...	54-.Territorial & Political Pensions ...	10,00,000	...	10,00,000
31	Superannuation Allowances & Pensions ...	55.Superannuation Allowances & Pensions ...	1,65,27,000	4,23,000	1,69,50,000
32	Commuted value of Pensions ...	55-A. Commuted value of Pensions Financed from Ordinary Revenue ...	6,00,000	...	6,00,000
33	Stationery & Printing ...	56.Stationery & Printing ...	33,07,000	...	33,07,000
34	Miscellaneous ...	57.Miscellaneous ...	2,06,68,000	...	2,06,68,000
35	Community Development Projects ...	63 B. Community Development Projects ...	81,41,000	...	81,41,000
36	Irrigation ...	Total Expenditure on Revenue Account ...	29,54,21,873	5,20,61,745	34,74,83,618
		68.Construction of Irrigation works, etc.	5,36,93,000	...	5,36,93,000

SCHEDULE—(*Contd*)

1	2	3	4	5	6
			Rs.	Rs.	Rs.
37	Public Health ...	70. Capital Outlay on Improvement of Public Health ...	22,91,000	...	22,91,000
38	Multi-purpose River Schemes ...	80-A Capital Outlay on Multi-purpose River Schemes ...	1,58,49,000	...	1,58,49,000
39	Civil Works ...	81. Capital Account of Civil Works outside the Revenue Account ...	53,00,000	...	53,00,000
40	Electricity Schemes ...	81-A.Capital Outlay on Electricity Schemes ...	59,15,000	...	59,15,000
41	Capital Account of other State Works ...	82. Capital Account of other States Works Outside the Revenue Account ...	60,00,000	...	60,00,000
42	Road Transport ...	82-B. Capital outlay on Road Transport Scheme outside the Revenue Account ...	36,22,000	...	36,22,000
43	Payment of commuted value of pensions ...	83-Payment of commuted value of pensions ...	6,00,000	...	6,00,000
44	State Schemes connected with State Trading ...	85-A.State Schemes connected with State Trading ...	4,84,16,000	...	4,84,16,000
		Total Capital Expenditure outside the Revenue Acount ...	14,16,86,000	...	14,16,86,000
45	Repayment of Debt ...	N. Public Debt Discharged ...	...	1,59,16,807	1,59,16,807
46	Loans & Advances by State Government	Loans & Advances by the State Government. ..	1,65,84,930	...	1,65,84,930
47	Loans and advances ...	Advances Repayable	18,68,130	...	18,68,130
		Total Disbursements under Debt Heads...	1,84,53,060	1,59,16,807	3,43,69,867
		Grand Total ...	45,55,60,933	6,79,78,552	52,35,39,485

THE HYDERABAD HOUSES (RENT, EVICTION AND LEASE) CONTROL ACT, 1954.

No. XX of 1954.

CONTENTS.

Preamble.

Sections.

1. Short title, commencement and extent.
2. Definitions.
3. Notice of vacancy by the landlord.
4. Determination of rent.
5. Reasons for increase in fair rent.
6. Increase of rent where tax or cess is increased.
7. Landlord not to claim or receive anything in excess of fair or agreed rent.
8. Right of tenant paying rent or advance to receipt.
9. Right of tenant to deposit rent in certain cases.
10. Eviction of tenants.
11. Conversion of residential house into a non-residential house.
12. Landlord not to interfere with amenities enjoyed by the tenant.
13. Decisions which have become final not to be re-opened.
14. Orders of Controller to be pronounced in open court.
15. Landlord to keep house in good repair.
16. Hearing of the application.
17. Costs.
18. Summoning witnesses.
19. Procedure for enquiries.

20. Appeal.

21. Revision.

22. Order under the Act binding on the sub-tenants.

23. Proceedings by or against the legal representatives.

24. Executive authorities of local bodies to furnish certified extracts from property tax assessment books.

25. Landlord and tenant to furnish particulars.

26. Exemptions.

27. Power to enter and inspect premises.

28. Penalties.

29. Execution.

30. Power to make rules.

31. Repeal and saving.

32. Indemnity for acts, etc., done.

THE HYDERABAD HOUSES (RENT, EVICTION AND LEASE) CONTROL ACT, 1954.

No. XX OF 1954.

An act to make provision for the better control of rent of houses and to prevent unreasonable eviction of tenants therefrom and for regulation of the leasing of houses in certain areas of the State of Hyderabad.

Preamble.

WHEREAS it is expedient to make provision for the better control of the rent of houses and to prevent unreasonable eviction of tenants therefrom and to regulate the leasing of houses in certain areas of the State of Hyderabad;

IT is hereby enacted as follows :—

Short title, commencement and extent.

1. (1) This Act may be called the Hyderabad Houses (Rent, Eviction and lease) Control Act, 1954.

(2) It shall come into force at once.

(3) It shall apply to the areas specified in the Schedule and to such other areas as the Government may, by notification, from time to time, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Controller" means any person appointed by Government to perform the functions of a Controller under this Act ;

(*b*) "House" means any building or hut or part of a building or hut let or to be let separately for residential or non-residential purpose and includes—

(*i*) the garden, grounds, garages, and out-houses, if any, appurtenant to such building or hut or part of such building or hut and let or to be let along with such building or hut or part thereof ;

(*ii*) any furniture supplied or any fittings affixed by the landlord for use in such building or hut provided that the expression does not include a room in a hotel or boarding house;

(*c*) "Landlord" includes a person who is receiving or is entitled to receive rent of a house, whether on his own account or on behalf of or for the benefit of another person or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive rent or be entitled to receive rent if the house were let to a tenant;

Explanation :—A tenant who is entitled to sub-let a house shall be deemed to be a landlord within the meaning of the Act in relation to the sub-tenant.

(*d*) "Notification" means a notification published in the Jarida;

(*e*) "Prescribed" means prescribed by rules made under this Act;

(*f*) "Tenant" means any person by whom or on whose account rent is payable for a house and includes ;

(*i*) such sub-tenants and other persons as have derived title under a tenant before the coming into operation of the Hyderabad Rent Control Order of 1353 Fasli or this Act ;

(*ii*) any member of the tenant's family residing with him at the time of or within three months preceding his death or in default of an agreement such member as may be decided upon by the Controller.

Notice of vacancy by the landlord.

3. (1) The Government may, by general or special order published in the Jarida, require any landlord to give the Controller within 7 days of the date on which any house, of which he is the londlord, falls vacant, notice of such vacancy.

(2) When a general or special order is published in the Jarida under sub-section (1), the landlord concerned shall, within 7 days of the date on which his house falls vacant, give notice thereof in writing to the Controller :

Provided that nothing in sub-section (2) shall apply to any house in respect of which the landlord has obtained an order for possession on any of the grounds specified in sub-section (3) of section 10 or to any house the monthly rent of which does not exceed Rs. 30.

(3) If within a week of the receipt of the notice from a landlord under sub-section (2) the Controller does not direct that the house shall be let out by the landlord to any State or Central Government or any local authority or public institution under the control of such Government or to any officer of the State or Central Government, the landlord shall be at liberty to lease the house to any tenant.

(4) The person, authority or public institution to whom the house has been let out under the direction of the Controller under sub-section (3) shall be liable to pay rent from the date of receipt of notice by the Controller from the landlord under sub-section (2).

Explanation:— A newly constructed house for the purpose of this section shall be deemed to have fallen vacant as soon as it is fit for occupation.

Determination of rent.

4. (1) The controller shall, on application by the tenant or landlord fix a fair rent for a house let to a tenant after holding summary enquiry.

(2) In fixing the fair rent under this section, the Controller shall have due regard ;

(*a*) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 5th of April, 1944 ;

(*b*) to the rental value as entered in the property tax assessment book of the Municipal Corporation or other local body as the case may be relating to the period mentioned in clause (*a*) ;

(*c*) to the circumstances of the case including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the 5th of April, 1944:

Provided that in fixing the fair rent of a house constructed or let out for the first time after 5th of April, 1944, the Controller may take into consideration the rental value of the premises as entered in the property tax assessment book of the Municipal body for the year in which the house was constructed:

Provided further that where no such records are available the Controller may take into consideration the capital value of the premises.

(3) In fixing the fair rent of a residental house, the Controller may allow—

(*a*) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding $8\frac{1}{3}$ per cent. on such rate or rental value;

(*b*) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding $12\frac{1}{2}$ per cent. on such rate or rental value;

(*c*) if the rate of rent or rental value exceeds Rs. 50 per mensem but does not exceed Rs. 100 per mensem, an increase not exceeding 20 per cent. on such rate or rental value;

(*d*) if the rate of rent or rental value exceeds Rs. 100 per mensem, an increase not exceeding 25 per cent. on such rate or rental value;

(4) In fixing the fair rent of a non-residential house, the Controller may allow—

(*i*) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 100 per mensem, an increase not exceeding 50 per cent. on such rate or rental value;

(*ii*) if the rate of rent or rental value referred to in sub-section (2) exceeds Rs. 100 per mensem, an increase not exceeding 100 per cent. on such rate or rental value.

Reasons for increase in fair rent.

5. (1) The landlord shall be entitled to make such increase in the rent of the house as may be reasonable for any improvement or structural alteration of the house which has been made at his expense and if the house is then in the occupation of a tenant at the tenant's request or with his consent:

Provided that the increase shall be calculated at a rate per annum not exceeding 6 per cent. of the cost of such improvement or structural alteration and the fair rent as increased in consequence shall not exceed the fair rent payable under this Act for a similar house in the same locality with such improvement or alteration and it shall not be chargeable until such improvement or alteration has been completed:

Provided further that any dispute between the landlord and the tenant in regard to any increase claimed under this sub-section shall be decided by the Controller.

(2) Where after the fair rent for a house has been fixed under this Act, if there is any decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed :

Provided that any dispute between the landlord and the tenant in regard to any reduction or claim shall be decided by the Controller.

Increase of rent where tax or cess is increased.

6. (1) Where the rate of tax or cess payable by the lanlord in respect of any premises to a local authority is enhanced after the fixation of the fair rent under section 4, the landlord shall be entitled to claim such excess from the tenant in addition to the rent payable for the house under the Act:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the house.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.

Landlord not to claim or receive anything in excess of fair or agreed rent.

7. (1) Where the Controller has determined the fair rent of a house.

(*a*) The landlord shall not claim, receive or stipulate for the payment of any premium or other like sum in addition to such fair rent or save as provided in sections 5 and 6 any rent in excess of such fair rent ;

(*b*) save as provided in clause (*a*), any premium or other like sum or any rent paid in addition to such fair rent whether before or after the commencement of this Act in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement shall be refunded by the landlord to the person by whom it was paid or at the option of such person otherwise adjusted by the landlord :

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of six months prior to the date of application for fixing the fair rent.

(2) Where the fair rent of a house has not been so determined.

(*a*) the landlord shall not after the commencement of this Act receive or stipulate for the payment of any premium or other like sum in addition to the agreed rent ;

(*b*) save as provided in clause (*a*), any sum paid in excess of the agreed rent under this Act whether before or after the commencement of this Act in consideration of the grant, continuance or renewal of the tenancy of the house after such commencement shall be refunded by the landlord to the person by whom it was paid or at the option of the person otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

(4) It shall not be lawful for the tenant or any person acting or purporting to act on behalf of the tenant to claim

or receive any sum or any consideration as a condition of relinquishment of his tenancy of any house.

(5) Notwithstanding anything contained in any law for the time being in force, or any contract, custom or local usage to the contray, rent payable by the month, year or portion of a year shall be recovered according to British Calendar.

Right of tenant paying rent or advance to receipt.

8. (1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt for the amount paid duly signed by the landlord or his authorised agent.

(2) If the landlord refuses to accept or evades the receipt of any rent lawfully payable to him by a tenant in respect of any house, the tenant shall be entitled to remit the rent by money order after deducting the money order commission.

Right of tenant to deposit rent in certain cases.

9. (1) Where the address of the landlord or the authorised agent of the landlord is not known to the tenant, he may deposit such rent together with such fee, if any, as may be prescribed for the service of the notice referred to in sub-section (2) before the controller and shall report to him the circumstances under which such deposit was made by him and continue to deposit any rent which may subsequently become due in respect of the house before the same authority and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.

(2) When any deposit is made under sub-section (1) the Controller may cause a notice of deposit to be served, by affixing it at the last known place of residence of the landlord, or in such other manner as may be prescribed, and the amount deposited may subject to such conditions as may be prescribed be withdrawn by the landlord on application made by him to the Controller in that behalf.

(3) Where any *bona fide* dispute arises as to the person who is entitled to receive the rent for any house, the tenant may with the premission of the Controller, deposit such rent before the controller and shall report to him the circumstances under which snch deposit was made and may in accordance with the direction of the Controller, continue to deposit any rent which may subsquently become due in respect of the house, until the dispute is settled by a competent court or by settlement between the parties.

Eviction of tenants.

10. (1) A tenant shall not be evicted, whether in execution of a decree or otherwise execept in acordance with the provisions of this section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied—

(i) that the tenant has not paid or tendered the rent due by him in respect of the house, within fifteen days after the expiry of the time fixed in the agreement of tenaney with his landlord or in the absence of any such agreement by the last day of the moth next following that for which the rent is payable ; or

(ii) that the tenant has after the commencement of the Hyderabad House Rent Control Order of 1353 F., or this Act without the written consent of the landlord—

(a) transferred his right under the lease or sub-let the entire house house or any portion thereof, if the lease does not confer on him any right to do so, or

(b) used the house for a purpose other than that for which it was leased, or

(iii) that the tenant has committed such acts of waste as are likely to impair meterially the value or utility of the house, or

(iv) that the tenant has been guilty of such acts and conduct as are a nuisance to the occupiers of other portions in the same house or of houses in the neighbourhood, or

(v) that the tenant has secured alternative house or ceased to occupy the house for a continuous period of four months without reasonable cause, or

(vi) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not *bona fide*,

the Controller shall make an order directing the tenant to put the landlord in possession of the house, and if the Controller is not so satisfied, he shall make an order rejecting the application.

Provided that in any case falling under clause *(i)* if the controller is satisfied that the tenant's default to pay or tender rent was not wilful he may, before making an order as aforesaid, give the tenant a reasonable time, not exceeding 15 days, to pay or tender the rent to the landlord up to the date of such payment or tender.

(3) *(a)* A landlord may subject to the provisions of clause *(d)* apply to the Controller for an order directing the tenant to put the landlord in possession of the house :—

(i) in case it is a residential house, if the landlord requires it for his own occupation and if he is not occupying a residential house of his own in the city, town or village concerned ;

(ii) in case it is a non-residential house which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or to the possession of which he is entitled ;

(iii) in case it is any other non-residential house, if the lanlord is not occupying for purpose of a business which he is carrying on, a non-residential house in the city, town or village concerned which is his own or to the possession of which he is entitled ;

(iv) if the landlord desires to carry out essential repairs or alterations to the house which cannot be made without the tenant vacating the house, *bona fiide* requires the house for the purpose of building or re-building or for making substantial additions which cannot be made without the tenant vacating the house :

Provided that a person who becomes landlord after the commencement of the tenancy by an instrument *inter vivos*

shall not be entiled to apply under this clause before the expiry of three months from the date on which the instrument was registered :

Provided further that where a landlord has obtained possession of a house under this clause, he shall not be entitled to apply again under this clause—

(*i*) in case he has obtained possession of a residential house, for possession of another residential house of his own,

(*ii*) in case he has obtained possession of a non-residential house of his own for possession of another non-residential house;

Provided further that where a landlord has obtained possession of a house under sub-clause (*iv*), he shall on the completion of the work of repairs, alterations, building, re-building or making additions give the tenant the first preference for occupying the house on such terms as may be settled by the Controller.

(*b*) Where the landlord of a house, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the house is required for the purposes of the institution, apply to the Controller, subject to the provisions of clause (*d*), for an order directing the tenant to put the institution in possession of the house ;

(*c*) A landlord who is occupying only a part of a house, whether residential or non-residential, may, notwithstanding anything contained in clause (*a*), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the house to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for the purposes of a business which he is carrying on, as the case may be ;

(*d*) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section befere the expiry of such period ;

(*e*) The Controller shall, if he is statisfied that the claim of the landlord is *bona fide* make an order directing the tenant to put the landlord in possession of the house on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application :

Provided that, in the case of an application under clause (*c*), the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord:

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the house and may extend such time so as not to exceed three months in the aggregate.

(4) No order for eviction shall be passed under sub-section (3)—

(*i*) against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purposes of this sub-section, unless the landlord is himself engaged in any employment or class of employment which has been so notified; or

(*ii*) in respect of any house which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognised by the Government or any such authority empowered by them in this behalf, so long as such recognition continues.

(5) (*a*) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it within one month of the date of obtaining possession, or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the house and the Controller shall make an order accordingly, notwithstanding anything contained in this act:

(*b*) Where a tenant is entitled to apply for possession under clause (*a*) fails to do so within one month, from the date on which the right to make the application accured to him the Controller shall have power to treat it as a house having fallen vacant and to proceed under section 3.

(6) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding fifty rupees be paid by such landlord to that tenant.

(7) Where an application under sub-section (2) or sub-sec-

tion (3) for evicting a tenant has been rejected by the Controller, the tenancy shall subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub-section (2) or sub-section (3);

(8) Notwithstanding anything contained in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord, shall, except, with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.

Conversion of residential house into a non-residential house.

11. No residential house shall be converted into a non-residential house, except with the permission of the Controller.

Landlord not to interfere with amenities enjoyed by the tenant.

12. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a house may, if the landlord has contravened the provisions of this section make an application to the Controller complaining of such contravention.

(3) If the tenant satisfies the Controller that the amenities were cut off or withheld with a view to compelling him to vacate the house or to pay an enhanced rent, the Controller may pass an interim order, directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

(5) If any of the amenities enjoyed by the tenant are stopped by any person other than the landlord by reason of landlord's failure to pay taxes or other charges, the tenant may pay them and have the amenities restored and deduct from the rent the amounts paid.

(6) The Controller may in his discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously ;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.

Decisions which have become final not to be re-opened.

13. The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 10 which raises between the same parties or between parties under whom they or any of them claim substantially the same issues as have been finally decided or as purport to have been finally decided in a former proceeding, under the Hyderabad House Rent Controlling Order of 1353 Fasli or under this Act.

Orders of Controller to be pronounced in open Court.

14. Every order passed by a Controller under this Act shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Landlord to keep houses in good repair.

15. (1) Every landlord shall be bound to keep the house in reasonably good repairs.

(2) If the landlord neglects to make within a reasonable time after the notice by the tenant is served upon him by post or otherwise, any repairs which he is bound to make under sub-section (1), the tenant may make the repairs himself and deduct the cost of such repairs from the rent or, otherwise recover it from the landlord, provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Hearing of the application.

16. The hearing of every applicatien filled before the Controller under this Act shall be commenced by the Controller as soon as possible and shall be continued from day to day unless for reason to be recorded in writing it is not possible for him to do so.

Costs.

17. Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Controller or the appellate authority referred to in section 20 shall be in the discretion of the Controller or the appellate authority who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Semmoning witnesses.

18. In the matter of summoning witnesses and compelling production of documents in enquiries, the Controller shall; so

far as may be, follow the procedure laid down in that behalf in the Code of Civil Procedure, 1908, with such modifications as the circumstances may require.

Procedure for enquiries.

19. For making enquiries under this Act, the Controller shall follow as nearly as possible, the procedure laid down in the Code of Civil Procedure, 1908, for the regular trial of suits, the substance only of the evidence and findings being recorded as in unappealable cases and shall record in brief the reasons for his findings.

Appeal.

20. (1) Notwithstanding anything contained in any law for the time being in force, an appeal from an order made by the Controller shall lie within 30 days from the date of such order in the City of Hyderabad to the Chief Judge, Small Causes Court and elsewhere to the District Judge. In computing the said period of 30 days, the time taken in obtaining a certified copy of the order appealed against shall be excluded.

(2) On such appeal being preferred the appellate authority may order stay of further proceedings in the matter pending decision on appeal, if it is satatisfied that the appellant has furnished sufficient security for all the arrears of rent that would be due by him in respect of the house at the rate fixed by the Controller, until the termination of the proceedings before the appellate authority.

(3) The appellate authority shall send for the records of the case from the controller and after giving the parties an opportunity of being heard, and if necessary after making such further inquiry as it thinks fit either personally or through the Controller, shall decide the appeal.

(4) Save as provided in section 21 the decision of the appellate authority and subject to only such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of Law whether in a suit or other proceedings or by way of appeal.

Revision.

21. Notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any final order passed on appeal by an appellate authority on the following grounds:–

(*a*) that the original or appellate authority excercised a jurisdiction not vested in it by law, or

(*b*) that the original or appellate authority failed to exercise a jurisdiction so vested, or

(*c*) in following the procedure or passing the order, the original or appellate authority acted illegally or with material irregularity.

Order under the Act binding on the sub tenants.

22. Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not, provided that such order was not obtained by fraud or collusion.

Proceedings by or against the legal representatives.

23. (1) Any application made, appeal preferred or proceeding taken under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceedings could have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Executive authorities of local bodies to furnish certified extracts from property tax assessment books.

24. The executive authority of a Municipal Body shall on application made in this behalf grant to the applicant a certified copy of the extract from property tax assessment book of the Municipal Body showing the rental value of the house in respect of which an application has been made, relating to the period specified in the application. Such certified copy shall be recorded as evidence of the facts stated therein in proceedings under this Act.

Landlord and tenant to furnish particulars.

25. Every landlord and every tenant of a house shall be bound to furnish to the Controller or any person in that behalf such particulars in respect of the house as may be prescribed.

Exemptions.

26. (1) This Act shall not apply to —

(*a*) any house taken on lease or requisitioned by Government;

(*b*) any house belonging to —

(i) Government;

(ii) any Local Authority;

(iii) City Improvement Board, Hyderabad;

(iv) Town Improvement Trust, Secunderabad; or

(v) any Ward of the Court of Wards;

(*c*) any person whom or institution which the Government may by a general or special order exempt.

(2) The Government may, by general or special order, direct that all or any of all provisions of this Act shall not apply, subject to such conditions and terms, if any, as it may specify in the order, to any house or houses used—

(i) for any public purpose of a charitable nature ;

(ii) as a hostel ;

(iii) as a public institution.

Power to enter and inspect premises.

27. For the purpose of any enquiry for discharge of his duties undr this Act, the Controller may—

(*a*) enter and inspect, or authorise any officer, subordinate to him to enter and inspect, any house at any time between sunrise and sunset ; or

(*b*) by written order require any person to produce for his inspection such accounts, rent, receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in tne order :

Provided that no houses shall be entered under clause (*a*) without the consent of the occupier unless at least twenty.four hours previous notice in writing has been given.

Penalties.

28. Any person who contravenes any of the provisions of sub-section (2) of section 3, clause (*a*) of sub-section (1) and clause (*a*) and sub-section (4) of section 7, section 11, sub-section (1) of section 12, and section 25, shall be punishable with fine which may extend to Rs. 1,000.

Execution.

29. Every order under section 10, 12, 20, 21 and 28 may be executed by the Controller passing the order as a decree of a Civil Court.

Power to make rules.

30. The Government may make rules to carry out the purposes of this Act.

Repeal and saving.

31. (1) The Hyderabad Rent Control Order, 1353 Fasli, is hereby repealed.

(2) Notwithstanding any decision or order of any Court to the contrary—

(*a*) any order made or deemed or purporting to have been made any decision or direction given or deemed or purported to have been given, any notification issued or deemed or purporting to have been issued, any action or proceeding taken or deemed or purporting to have been taken, or anything done or deemed or purporting to have been done under

the provisions of the said order shall, so far as may be, be deemed to be made, given, issued, taken or done under the provisions of this Act ;

(*b*) any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, and any prosecution commenced or deemed or purporting to have been commenced under the provisions of the said order shall be deemed to have been incurred, awarded, made or commenced under the corresponding provision of this Act ;

(*c*) any application made, appeal preferred or other proceeding instituted under the said order and pending at the commencement of this Act shall be deemed to have been made, preferred or instituted under the corresponding provision of this Act and shall be disposed of as if this Act had been in force at the time when such application, appeal or proceeding was made, preferred or instituted.

Indemnity for acts, etc., done.

32. *[(1) No suit, prosecution or other legal proceeding shall lie, in any Court against any officer or servant of Government or any person acting under his directions or aiding or assisting him for or on account of, or in respect of any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the Hyderabad Rent Control Order, 1353 Fasli, or for carrying out any decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid].

(2) No suit or other Legal proceeding shall lie against the Government for or on account of, or in respect of any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said order.

(3) Sub-sections (1) and (2) shall have effect as though this Act was in force as at the commencement of the said order.

* Substituted by Act No. XXXIV of 1954, published in Gazette Extraordinary No. 197, dated 18th November, 1954.

* [SCHEDULE.

The areas within the limits of the following cities and towns, viz. :—

1. Hyderabad.
2. Secunderabad.
3. Warangal (including Karimabad Suburb).
4. Gulbarga.
5. Khammam.
6. Raichur.
7. Nanded.
8. Bhir.
9. Parbhani.
10. Osmanabad.
11. Aurangabad.
12. Adilabad.
13. Nizamabad.
14. Nalgonda.
15. Mahbubnagar.
16. Karimnagar.
17. Medak.
18. Bidar.
19. Bhongir (Nalgonda district).
20. Siddipeth (Medak district).
21. Jalna (Aurangabad district).
22. Mominabad (Bhir district).
23. Parli (Bhir district).
24. Hingoli (Parbhani district).
25. Shorapur (Gulbarga district).
26. Tandur (Gulbarga district).
27. Yadgir (Gulbarga district).
28. Latur (Osmanabad district).
29. Suryapeth (Nalgonda district).
30. Jangaon (Warangal district).
31. Dharmabad (Nanded district).
32. Asifabad (Adilabad district).
33. Huzurabad (Karimnagar district).
34. Sailu (Parbhani district).
35. Purna (Parbhani district).
36. Sedam (Gulbarga district).
37. Vicarabad (Medak district).
38. Sangareddy (Medak district).
39. Gajwel (Medak district).
40. Narsapur (Medak district).
41. Patencheru (Medak district)].

* Substituted by Act No. XXXIV of 1954, published in Gazette Extraordinary No. (197) dated 18th November, 1954.

*THE HYDERABAD LAND ACQUISITION (AMENDMENT) ACT, 1954.

No. XXI OF 1954.

An Act to amend the Hyderabad Land Acquisition Act, 1309 Fasli.

Preamble.

WHEREAS it is expedient to amend the Hyderabad Land Acquisition Act, 1309 Fasli, for the purposes hereinafter appearing;

IT is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Land Acquisition (Amendment) Act, 1954.

(2) It shall come into force at once.

2. [Amendment carried out in the Principal Act.]

Application of Hyderabad Act, IX of 1309 F.

3. (1) The Hyderabad Land Acquisition Act, 1309 F., shall be applicable to the Municipal limits of the City of Hyderabad for purposes of all acquisitions of land made or required for City Improvement.

Repeals and savings.

(2) The Hyderabad City Improvement Board (Land Acquisition) Act, 1951 and the Rules for the Acquisition of lands by the Hyderabad City Improvement Board, 1332 H. are hereby repealed.

(3) Notwithstanding such repeal and notwithstanding any order Judgement or decree of any Court to the contrary—

(a) any notice or notification issued or deemed or purporting to have been issued, proceedings taken or deemed or purporting to have been taken, any award given or deemed or purporting to have been given, any land acquired or deemed or purporting to have been acquired, any compensation paid or deemed or purporting to have been paid, any possession taken or deemed or purporting to have been taken or anything done or deemed or purporting to have been done under the said Act or the said Rules for or in respect of the acquisition of any land shall be deemed to have been issued, taken, given, acquired, paid, taken or done under the corresponding provisions of the Hyderabad Land Acquisition Act, 1309 Fasli.

*Published in Gazette Extraordinary No. (116) dated 21st June, 1954.

(b) Any application made, appeal preferred or proceeding instituted under the said Act or said Rules and pending at the commencement of this Act, shall be deemed to have been made, preferred or instituted under the corresponding provision of the Hyderabad Land Acquisition Act,1309 Fasli and shall be disposed of as if the Hyderabad Land Acquisition Act, 1309 Fasli had been in force and was applicable at the time when such application, appeal or proceeding was made, preferred or instituted.

Indemnity for Acts etc., done.

4. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the Government or of the City Improvement Board or any person acting under his directions or aiding or assisting him, for, on account of, or in respect of, any decision given or any act ordered or done by him in exercise of any jurisdiction or power purporting to have been conferred on him by or under the Hyderabad City Improvement Board Land Acquisition Act, 1951 or the Rules for acquisition of lands for purposes of City Improvement Board, 1332 H., or for carrying out any decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Government or the City Improvement Board for, or on account of, or in respect of, any act, matter or thing, whatsoever, purporting to have been done in pursuance of or under the said Act or the said Rules.

(3) Sub-sections (1) and (2) shall have effect as though this Act was in force at the commecement of the said Act or said Rules.

THE HYDERABAD HABITUAL OFFENDERS (RESTRICTION AND SETTLEMENT) ACT, 1954.

No. XXII OF 1954.

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SCHEDULE.

* THE HYDERABAD HABITUAL OFFENDERS (RESTRICTION AND SETTLEMENT) ACT, 1954.

No. XXII OF 1954.

An Act to make provision for restricting the movements of habitual offenders in the State of Hyderabad, for requiring them to report themselves and for placing them in settlements ;

Whereas it is expedient to make provision for restricting the movements of habitual offenders in the State of Hyderabad, for requiring them to report themselves and for placing them in settlements ; Preamble.

It is hereby enacted as follows : —

1. (1) This Act may be called the Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) " Code "means the Code of Criminal Procedure, 1898;

(*b*) "Habitual Offender " means a person, who during any continuous period of five years, whether before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or rivision, on not less than three occasions for one or another of the offences under the Indian Penal Code, set forth in the schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion; and who, as a result of such convictions, has suffered imprisonment at least for a total period of 12 months:

Provided that in computing the period of five years, any period spent in jail either under a sentence of imprisonment or under detention, shall not be taken into account.

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to

*Published in the Gazette Extraordinary No. (117) dated 25th Jnue, 1954.

section 110 of the Code, shall be deemed to amount to the passing of a sentence of substantive term of imprisonment within the meaning of this clause;

(*c*) "Notified Offender" means a habitual offender in respect of whom a notification has been issued under section 24 and is in force.

(*d*) "Order of restriction" means an order made under this Act requiring a person other than a child as defined in the Hyderabad Children Act, 1951—

(*i*) to restrict his movements to any area within the State specified in the order, or

(*ii*) to report himself at the times and at the places and in the manner specified in the order, or

(*iii*) to do both;

(*e*) "Order of settlement" means an order made under this Act placing a person other than a child as defined in the Hyderabad Children Act, 1951, in a settlement established under this Act.

(*f*) "Prescribed" means prescribed by rules made under this Act.

(*g*) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

PART I

General provisions

Notice of order of restriction against habitual offenders.

3. (3) In any case in which a Magistrate may under the provisions of section 110 of the Code require a person to show cause why he should not be ordered to execute a bond for his good behaviour, the Magistrate may in lieu of or in addition to so doing, require such person to show cause why an order of restriction should not be made against him.

Joint proceedings and record.

(2) If the Magistrate, in addition to requiring such person to show cause why he should not be ordered to execute a bond for his good behaviour, requires him to show cause why an order of restriction should not be made against him, the proceedings in respect of the order of restriction may be taken jointly with the proceedings in respect of security and may be included in and form part of the same record.

Procedure in making order of restriction.

4. Whenever a Magistrate acting under section 3 deems it necessary to require a person to show cause why an order of restriction should not be made against him, he shall follow as nearly as may be, the procedure laid down in section 112, 113, 114, 115, and 117 of the Code for an order requiring security for good behaviour :

Provided that the order in writing referred to in section 112 of the Code shall, in addition to setting forth the substance of the information received, state the term not exceeding three years during which the order of restriction shall be in force although it need not state whether the order of restriction shall be an order requiring him to restrict his movements to any area or requiring him to report himself at any place or requiring him to do both.

Issue of warrants in lieu of or in addition to summons.

5. The provisions of section 90 of the Code shall be applicable in respect of any proceedings under this Act as if they were proceedings under the Code.

Discharge of person informed against.

6. If upon an enquiry made in accordance with the preceding sections, the Magistrate is of opinion that it is not necessary to make an order of restriction against the person in respect of whom the enquiry is made, he shall make an entry to that effect on the record, and if he does not order the execution of bond for good behaviour he shall, if such person is in custody for purposes of such enquiry only, release him or if such person is not in custody, discharge him.

Making of order of restriction.

7. If upon an enquiry as aforesaid, the person against whom such enquiry is made is found to be a habitual offender and the Magistrate is of the opinion that it is necessary to make an order of restriction against such person, the Magistrate shall make an order accordingly:

Provided that the Magistrate shall not make an order of restriction against any person against whom he makes an order under section 118 of the Code requiring such person to execute a bond for his good behaviour:

Provided further that no order of restriction shall be made for a term exceeding three years or for a term longer than that specified in the order referred to in the proviso to section 4.

Restriction order under section 123 (3) and 406 of the Code.

8. (1) A Court acting under sub-section (3) of section 123, or an Appellate Court acting under section 406 of the Code may if it finds that a person is a habitual offender, in lieu of the order requiring such person to give security under section 110 of the Code make an order of restriction for any period not exceeding that for which the security was required to be given.

Restriction order against convicted offender.

(2) In any case in which a Court or Magistrate is empowered to make an order against any convicted person under section 565 of the Code such Court or Magistrate, may, if it or he thinks fit, at the time of passing sentence on such person and in lieu of making an order as provided in the said section make an order of restriction against such person for a period not exceeding three years from the date of the expiration of such sentence.

(3) If such conviction is set aside on appeal or otherwise, the order restriction shall become void.

(4) No order of restriction shall be made against any person under this section unless he has been given an opportunity of showing cause why such order should not be made.

Particulars to be specified in restriction order.

9. Every order of restriction made under this Act shall state whether the person against whom the order is made is required to restrict his movements or is required to report himself or is required to do both. The order shall also specify the area and the nature of the restrictions imposed and the places, the times, and the manner of report, as the case may be. The order shall also contain such other particulars as may be prescribed.

Residence or means of livelihood within area of restriction.

10. (1) No order shall be made restricting the movements of any person to any particular area unless the Court or Magistrate making the order is satisfied that such person has adequate means of earning his livelihood within such area or ordinarily resides in such area.

(2) Before making an order restricting the movements of any person to any area the Court or Magistrate shall record and consider any objection which such person may urge in regard to the area to which his movements are proposed to be restricted.

Power to cancel or modify order of restriction.

11. (1) Where under an order of restriction made against him any person's movements have been restricted to

any area, the District Magistrate, may at any time, on his own motion or on an application of such person and for sufficient reasons to be recorded in writing, make an order cancelling or modifying the order of restriction.

(2) Such order of modification may provide —

(*a*) that the said person shall report himself at the times and at the places and in the manner specified in the order; or

(*b*) that he shall restrict his movements either to the area in which he ordinarily resides or to any other area in which the Magistrate is satisfied he has reasonable prospects of earning his livelihood.

(3) The Government may authorise any First Class Magistrate to make the order of modification referred to in sub-section (2) in respect of a person within his jurisdiction.

Power to substitute restriction order for bond for good behaviour or for order for notifying address.

12. Where an order requiring security for good behaviour has been made against any person under the Code and such person is found to be a habitual offender or an order has been made against any person under section 565 of the Code, whether before or after the coming into operation of this Act, the District Magistrate may, at any time, before the period of security or the term of the order under section 565, as the case may be, has expired make in lieu thereof an order of restriction:

Provided that—

(1) the period of the ordor of restriction shall not exceed the unexpired portion of the period of security or the term of the order under section 565; and

(2) no order of restriction shall be made against any person under this section unless he has been given an opportunity of showing cause why such order should not be made.

Appeal.

13. An appeal shall lie against an order of restriction under this part—

(*i*) to the District Magistrate if such order has been made by a Magistrate subordinate to him;

(*ii*) to the Court of Session if such order has been made by a District Magistrate;

(*iii*) to the High Court in any other case.

Code to apply to appeals.

14. Subject to the provisions of section 13 and sub-section (4) of section 24, the provisions of the Code shall apply to appeals under this Act.

Power to establish settlements and place habitual offenders therein.

15. (1) For the purposes of this Act, the Government may establish industrial, agricultural or reformatory settlements.

(2) The District Magistrate may, in lieu of an order of restriction made against any person under this Act, make an order directing such person to be placed in a settlement established under sub-section (1) for a period not exceeding the period for which the order of restriction has been made.

(3) the Government or any officer authorised by the Government may at any time, by general or special order direct any person who may be in any settlement,

(*a*) to be discharged, or

(*b*) to be transferred to some other settlement.

(4) Every person directed to be placed in a Settlement under this Act may be allowed.

(*a*) to live in the settlement with his wife and children,

(*b*) to continue to live in the settlement on expiry of the period for which he is directed to be placed in the settlement.

(5) Any person who resides in a settlement whether under an order of settlement or otherwise shall be subject to all or any such restrictions and penalties as may be prescribed.

Arrest of person contravening order of restriction or of settlement.

16. (1) Whoever being a person against whom an order of restriction or an order of settlement has been made—

(*a*) is found beyond the limits of the settlement or the area to which his movements have been restricted, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(*b*) escapes from a settlement, may be arrested without warrant by any police officer and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or to such settlement as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section:

Provided that an order from the Government or from Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of police patel and owners or occupiers of land and to give information in certain cases.

17. (1) Every police patel of a village in which any person against whom an order of restriction or order of settlement has been made, and every owner or occupier of land on which any such person resides, and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police station any informntion which he may obtain of the departure of such person from such village or from such land, as the case may be.

(2) Every police patel of a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any person against whom an order of restriction or order of settlement is reasonably suspected of having been made.

Penalties for breach of rules.

18. (1) Whoever, being a person against whom an order of restriction or an order of settlement has been made, contravenes a rule made under clauses (*i*), (*ii*), (*iii*) and (*iv*) of sub-section of section 22 shall, on conviction, be punishable with imprisonment for a term which may extend,—

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years, and

(*c*) on any subsequent conviction, to three years, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, being a person against whom an order of restriction or an order of settlement has been made, contravenes any other rule made under section 22 or being a notified offender fails to comply with the provisions of section 25 and 26 shall be punishable—

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(3) In computing the period for which an order of restriction or of settlement shall remain in force, any period of imprisonment undergone in execution of a sentence passed under sub-section (1) or (2) shall be excluded.

(4) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code may be arrested without a warrant by any officer-in-charge of a police station or by any police officer not below the rank of a Sub-Inspector.

Enacted punishment for certain offences by persons to whom order against restriction or order of settlement has been made after previous conviction.

19. (1) Whoever, being a person against whom an order of restriction or an order of settlement has been made and having been convicted of any of the offences under the Indian Penal Code specified in the schedule, is convicted of the same or of any other offence specified in the schedule, shall on conviction, be punishable with transportation for life or with imprisonment of either description for a term which may extend to ten years.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for persons against whom restriction order or settlement order has been made, found under suspicious circumstances.

20. Whoever, being a person against whom an order of restriction or an order of settlement has been made, is found in any place under such circumstances as to satisfy the Court that he was attempting to commit or abetting in the commission of, theft or robbery shall, on conviction, be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Penalty for breach of duties by police patel, owners, or occupiers of land or their agents.

21. Any police patel, owner or occupier of land, or the agent of any such owner or occupier who intentionally fails to comply with the requirements of section 17, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

Rules.

22. (1) The Government may, be notification in the official Gazette make rules for the purpose of carrying into effect the provisions of this Act which shall be laid before the Legislative Assembly.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*i*) the areas to which the movements of any preson may be restricted and the nature of the restrictions to be observed by such persons;

(*ii*) the times and places at which and the manner in which such persons shall report themselves;

(*iii*) the conditions as to holding passes under which such persons may be permitted to leave the area to which their movements have been restricted or the settlement in which they have been settled;

(*iv*) the conditions to be inserted in any such pass in regard to—

(*a*) the place to which the holder of the pass may or may not go;

(*b*) the persons before whom from time to time he shall be bound to present himself;

(*c*) the period during which he may be absent;

(*v*) any other particulars, deemed necessary to be included in an order of resiriction;

(*vi*) the circumstances in which persons against whom an order of restriction or an order of settlement has been made shall be required to possess and produce for inspection certificates of indentity and the manner in which such certificates shall be granted;

(*vii*) the management, control and supervision of industrial, agricultural or reformatory settlements;

(*viii*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour;

(*ix*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or otherwise offending against the rules for the time being in force, shall be subject and the periodical visitation of such settlement.

(*x*) the restriction to which persons residings in a settlement may be subjected to under sub-section (5) of section 15;

(*xi*) the inspection of residences of notified offenders;

(*xii*) the periodical review of cases of all persons who have been placed in a settlement;

(*xiii*) the terms upon which notfied offenders may be discharged from the operation of this Act;

(*xiv*) all matters required or allowed by this Act to be prescribed.

Savings.

23. Nothing in this Act shall affect the powers of any competent authority under any other law for the time being in force to make an order of restriction or detention and any order of restriction or of settlement passed under this Act in so far as it may conflict with may order made by a competent authority under such law shall be deemed to bo inoperative while the order under such law remains in force.

PART II

Special Provisios

Power to notify habitual offenders.

24. (1) The District Magistrate may by notification if he finds that any person ordinarily residing in his district is a habitual offender declare that such person shall be subject to the provisions of this Act, to such extent and subject to such restrictions, if any, as may be specified in the notification.

(2) Before any notification is issued in respect of any person under sub-section (1), reasonable opportunity shall be given to him to show cause against the issue of such notification.

(3) Before any notification is issued under sub-section (1) against any person, the District Magistrate shall satisfy himself as regards all the previous convictions of such person by taking evidence as provided by section 511 of the Code.

(4) Any person deeming himself aggrieved by an order of the District Magistrate under sub-section (1) may within thirty days from the date of such order, appeal therefrom to to the High Court.

Notified offenders to intimate residence and change of residence.

25. Every notified offender shall intimate to the District Magistrate or to such officer authorised by him, his place of residence, every change or intended change thereof and every absence or intended absence therefrom:

Provided that the Districts Magistrate or the offiner outhorised by him may exempt any such notified offender from reporting and temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

Power to restrict movement of notified offenders.

26. (1) If in the opinion of the District Magistrate it is expedient to do so, he may by notsfication declare that any notified offender shall be restricted in his movement to a specified area.

(2) Before making any such declaration the District Magistrate shall considar—

(*i*) the nature of the offences, if any of, which the offender has been convicted and the circumstances in which they were committed;

(*ii*) whether the offender followed any lawful occupation and whether such occupation is a real one or merely a pretence for facilitating the commission of offences;

(*iii*) the suitability of the area to which his movements are to be restricted;

(*iv*) the manner in which it is proposed that he should earn his living in such area and the adequacy or any arrangement therefor.

Power to cancel or modify any declaration made under section 24 or 26.

27. The Government or any officer authorised by the Government may, by notification cancel any declaration made under section 26 into any other area:

Provided that before issuing any such notification or passing any such order, the Government or the officer shall consider the matters referred to in sub-section (2) of section26 in so far as they may be applicable.

Power to place notified offenders in settlement and to transfer or discharge them therefrom.

28. The Government or any officer authorised by the Government may at any time by order in writing direct —

(*i*) that any notified offender shall be placed in a settlement; or

(*ii*) that any notified offender who may be in a settlement be transferred to any other settlement or be discharged therefrom.

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THE HYDERABAD PRISONERS ACT, 1954.

No. XXV of 1954

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*THE HYDERABAD PRISONERS ACT, 1954.

No. XXV of 1954.

An Act to make certain provisions relating to prisoners confined by order of a Court in the State of Hyderabad.

Whereas it is expedient to make certain provisions relating to prisoners confined by order of a Court in the State of Hyderabad. Preamble.

Be it enacted in the Fifth Year of Our Republic as follows :—

PART I

Preliminary

1. (1) This Act may be called the Hyderabad Prisoners Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force from such date as Government may by notification in the Jarida appoint in this behalf.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction;

(*b*) "Prison" includes any place which has been declared by the Government by general or special order, to be a subsidiary jail.

PART II

General

3. The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any court, according to the exigency of any writ, warrant or order by which such person has been committed, until such person is discharged or removed in due course of law. Officers-in-charge of prisons to detain persons duly committed to their custody.

* Published in Gazette Extraordinary No. (165) dated 23rd September, 1954.

Officers-in-charge of prisons to return writs, etc., after execution or discharge.

4. The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

PART III

Execution of Sentences of Prisoners

References in this Part to prisons etc., to be construed as referring also to Certified Schools established under the Hyderabad Children Act, 1951.

5. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Certified Schools established under the Hyderabad Children Act, 1951, or to detention therein.

Power for Officers in charge of prisons to give effect to sentences of certain Courts.

6. Officers in charge of prisons in the State may give effect to any sentence or order or warrant for the detention of any person passed or issued by any court or tribunal acting, whether within or without the State, under the general or special authority of the Central Government or of any State Government in India.

Warrant of Officer of such Court to be sufficient authority.

7. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 6 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this part.

8. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the Government by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

PART IV

Removal of Prisoners.

References in this Part to prisons, etc., to be construed as references also to certified Schools established under the Hyderabad Children Act, 1951.

9. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to certified Schools established under the Hyderabad Children Act, 1951, or to detention therein.

Removal of prisoners.

10. (1) Government may, by general or special order, provide for the removal of any prisoner confined in a prison :–

(*a*) under sentence of death, or

(*b*) under, or in lieu of, a sentence of imprisonment or transportation, or

(*c*) in default of payment of a fine, or

(*d*) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in the State of Hyderabad.

(2) Subject to the orders, and under the control of the Government the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State of Hyderabad to any other prison in the State.

Lunatic prisoners how to be dealt with.

11. (1) Where it appears to the Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a Mental Hospital or other place of safe custody within the State of Hyderabad, there to be kept and treated as the Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is discharged according to law.

(2) Where it appears to the Government that the prisoner has become of sound mind, the Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State of Hyderabad or, if the prisoner is no longer liable to be kept in custody order him to be discharged.

(3) The provisions of the Indian Lunacy Act, 1912, so far as they can be made applicable, shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which the Government is competent under sub-section (1) to order the removal of a prisoner to lunatic asylum or other place of safe custody within the State of Hyderabad, the Government may order his removal to any such asylum or place in any other State by agreement with the Government of such other State; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable apply to a prisoner removed under this sub-section.

PART V

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Appointment of places for confinement of persons under sentence of transportation and removal thereto.

12. (1) Government may appoint places within the State of Hyderabad to which persons under sentence of transportation shall be sent; and the Government, or some officer duly authorised in this behalf by the Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

(2) In any case in which the Government is competent under sub-section (1) to appoint places within the State and to order the removal thereto of persons under sentence of transportation, the Government may appoint such places in any

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THE HYDERABAD PRISONS ACT, 1954.

No. XXIX of 1954.

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*THE HYDERABAD PRISONS ACT, 1954.

No. XXIX OF 1954.

An Act to provide for the regulation of prisons in the State of Hyderabad.

WHEREAS it is expedient to provide for the regulation of prisons in the State of Hyderabad; Preamble.

Be it enacted in the Fifth Year of our Republic as follows :-

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Hyderabad Prisons Act, 1954. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force from the date of its publication in the official Gazette.

2. The Hyderabad Prisons Act (IV of 1317 F.), is hereby repealed: Repeal.

Provided that all notifications issued, rules or orders made, and all action taken under the repealed Act shall as far as they are not inconsistent with this Act, be deemed to have been issued, made and taken thereunder :

Provided further that the provisions of section 3 (*v*) of the Hyderabad General Clauses Act (III of 1308 F.), shall apply as though the said repealed Act were an enactment repealed by this Act.

3. Unless there is anything repugnant in the subject or context :— Definitions.

(1) 'civil prisoner' means any prisoner who is not a criminal prisoner ;

(2) 'convicted criminal prisoner' means any criminal prisoner under sentence of a Court or Court-Martial, and

*Published in the Gazette Extraordinary No. (179) dated 11th October, 1954.

includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898 Act V of 1898) ;

(3) 'criminal prisoner' means any prisoner duly committed to custody under the writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a Court-Martial ;

(4) 'furlough system' means the system of releasing prisoners in jails on furlough in accordance with the rules for the time being in force ;

(5) 'history ticket' means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder ;

(6) 'Inspector-General' means the Inspector-General of Prisons ;

(7) 'prison' means any jail or place used permanently or temporarily under the general or special orders of Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(*a*) any place for the confinement of prisoners who are exclusively in the custody of the police ;

(*b*) any place specially appointed by Government under section 541 of the Code of Criminal Procedure, 1898 (Act V of 1898) ;

(*c*) any place which has been declared by Government, by general or special order, to be a subsidiary jail ;

(8) 'prohibited article' means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act ;

(9) 'remission system' means the system of regulating the award of marks to, and the consequent shortening of sentences of prisoners in jail in accordance with the rules for the time being in force.

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Maintenance and Officers of Prisons.

Accommodation for Prisoners.

4. The Government shall provide, for the prisoners in the State of Hyderabad, accomodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Inspector-General.

5. An Inspector-General shall be appointed by the Government for the State of Hyderabad and shall exercise subject to the orders of the Government, the general control and superintendence of all prisons situated in the whole of the State.

Officers of Prisons.

6. For every prison there shall be a Superintendent, a Medical Officer (Who may also be the Superintendent), a Jailor or Deputy Jailor and such other officers (including subordinates of the Medical Officer for the purposes of this Act) as the Government thinks necessary.

Temporary accommodation.

7. Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or

whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners.

Provision shall be made, by such officer and in such manner as Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

Duties of Officers generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent ; all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

Officers not to be interested in prison contracts.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison ; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Superintendent.

11. (1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the Superintendent of a prison other than a central prison shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the Collector, and shall report to the Inspector-General all such orders and the action taken thereon.

Records to be kept by Superintendent.

12. The Superintendent shall keep, or cause to kept, the following records :—

(1) a register of prisoners admitted ;

(2) a book showing when each prisoner is to be realesed ;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison offences ;

(4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison ;

(5) a record of the money and other articles taken from prisoners ; and

(6) all such other records as may be prescribed by rules under section 59.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Government under section 59.

Medical Offier to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on death of Prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :—

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which the Medical Officer was first informed of the illness;

(5) the day on which he was admitted to hospital;

(6) the nature of the disease;

(7) when the deceased was last seen before his death by the Medical Officer or his subordinate;

(8) when the prisoner died and reasons therefor, and

(9) (in case where a post-mortem examination is made) an account of the appearances after death together with any special remarks that appear to the Medical Officer to be required.

Jailor.

Jailor.

16. (1) The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailor shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

Jailor to give notice of death of prisoner.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Officer.

Responsibility of Jailor.

18. The Jailor shall be responsible for the safe custody of the records to be kept under section 12 for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailor to be present at night.

19. The Jailor shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy and Assistant Jailor.

20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailor under this Act or any rule thereunder.

Subordinate Officers.

Duties of gate-keeper.

21. The Officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailor.

Subordinate Officers not to be absent without leave.

22. Officers subordinate to the Jailor shall not be absent from the prison without leave from the Superintendent or from the Jailor.

Convict officers.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be examined on admission.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailor, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the generel or special orders of the Medical Officer.

Effects of prisoners.

25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailor and the prisoner shall be informed with his signature being taken in the prescribed register.

Removal and discharge of prisoners.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Separation of prisoners.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisoners;

(2) in a prison where male prisoners under the age of 21 (twenty-one) years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvited criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

Association and segregation of prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Solitary confinement.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or his subordinate.

Prisoners under sentence of death.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor, and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.

Maintenance of certain prisoners from private sources.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or writing material, books, newspapers or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General.

Restriction on transfer of food and clothing between certain prisoners.

32. No part of any food, clothing, bedding, or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

33. (1) Every civil prisoner and uncouvicted criminal prisoners unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released,

CHAPTER VII

Employment of Prisoners.

Employment of civil prisoners.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for use of implements and the cost of maintenance.

Employment of criminal prisoners.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed and shall at least once in every fortnight cause to be recorded upon history ticket of each prisoner employed on labour the weight of such prisoner at time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Employment of criminal prisoners sentenced to simple imprisonment.

36. Provision shall be made by the Superintendent for the employments (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

Health of Prisoners.

Sick prisoners.

37. (1) The names of prisoners desiring to see the Medical Officer or his subordinate or appearing out of health, in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailor shall, without delay, call the attention of the Medical Officer or his subordinate to any prisoner, desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or his subordinate respecting alterations of the discipline or treatment of any such prisoner.

Record of directions of Medical Officers.

38. All directions given by the Medical Officer or his subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other record as the Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailor thinks fit to make, and the date of the entry.

Hospital.

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to Prisoners.

Visits to civil and unconvicted criminal prisoners.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interest of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Government may direct.

CHAPTER X.

Offences in relation to Prisons.

Penalty for introduction or removal of prohibited articles into or from prison, and communications with prisoners.

42. Whoever, contrary to any rule under section 50 introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Power to arrest for offence under section 42.

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police Officer, and thereupon such

Police Officer shall proceed as if the offence had been committed in his presence.

Publication of penalty.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the regional language setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI.

Prison Offences.

Prison offences.

45. The following acts are declared to be prison offences when committed by a prisoner :—

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence ;

(2) any assault or use of criminal force ;

(3) the use of insulting or threatening language ;

(4) immoral or indecent or disorderly behaviour ;

(5) wilfully disabling himself from labour ;

(6) contumaciously refusing to work ;

(7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority ;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment ;

(10) wilful damage to prison property ;

(11) tampering with or defacing history tickets, records or documents ;

(12) Receiving possessing or transferring any prohibited article ;

(13) wilfully bringing a false accusation against any prisoner ;

(14) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and

(15) conspiring to escape or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

46. The superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

(1) a formal warning :

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history ticket ;

(2) change of labour to some more irksome or severe form or such period as may be prescribed by rules made by the Government ;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;

(4) such loss of privileges admissible under the remission or furlough system for the time being in force as may be prescribed by rules made by the Government ;

(5) separate confinement for any period not exceeding two months :

Provided that while executing the punishment of a separate confinement, no prisoner shall be kept in separate confinement continuously, for more than a fortnight at one time and the interval between one period of confinement and the next will be at least a week.

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners

and allows him not less than one hour's exercise in the open air per diem and to have his meals in association with one or more other prisoners :

(6) cellular confinement for any period not exceeding ten days :

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement ;

Explanation.—Cellular confinement means, such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners :

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs.

Plurality of punishments under section 46.

47. (1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

(*i*) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(*ii*) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable.

(2) No punishment will be combined with any other punishment in contravention of rules made by the Government.

(3) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

Award of punishments under sections 46 & 47.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections subject, in the case of separate confinement for a

period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishment for breach of conditions of suspension of sentence, etc.

49. If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by—

(1) a formal warning as provided in clause (1) of section 46 ;

(2) reduction in grade if such prisoner has been appointed an officer of prison ;

(3) loss of privileges admissible under the remission or furlough system ; or

(4) loss of such other privileges as the Government may by a general or special order direct.

Punishment to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections

Medical officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of change of labour under clause (2) of section 46, shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the Punishment Book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of

punishment he thinks the prisoner can undergo without injury to his health.

Entries in punishment books.

52. (1) In the punishment book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of privious prison offences recorded against the prisoner, and the date of his last prison offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison offence the names the witnesses proving the offence shall be recorded.

(3) Against the entries relating to each punishment the Jailor and superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on commital of heinous offence.

53. If any prisoner is guilty of any offence against any prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of that Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of District Magistrate, or any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46.

Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the First Class : and

Provided also that no person shall be punished twice for the same offence.

Offences by prison subordinates.

54. (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having

given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extramural custody control and employment of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Government, so confine them.

Confinement of prisoners under sentence of transportation in iron.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 59 be confined in fetters for the first three months after admission to prison

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention necessary, and the Inspector-General may sanction such retention accordingly.

Prisoners not to be ironed by Jailor except under necessity.

58. No prisoner shall put in irons or under mechanical restraint by the Jailor of his own authority, except in cases of

urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may make rules consistent with this Act:—

(1) defining the acts which shall constitute prison offences;

(2) determining the classification of prison offences into serious and minor offences;

(3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code (XLV of 1860) may or may not be dealt with as a prison offence;

(5) for the award of works, granting remission of furlough determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) for the classification of prisons, and description and construction of wards, cells, and other places of detention;

(9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;

(10) for the Government of prisons and for the appointment of all officers appointed under this Act;

(11) as to the food, bedding and clothing of criminal

prisoners and of civil prisoners maintained otherwise than at their own cost ;

(12) for the employment, instruction and control of convict within or without prisons ;

(13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited ;

(14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour ;

(15) for regulating the disposal of the proceeds of the employment of prisoners ;

(16) for regulating the confinement in fetters of prisoners sentenced to transportation ;

(17) for the classification and the separation of prisoners ;

(18) for regulating the confinement of convicted criminal prisoners under section 28 ;

(19) for the preparation and maintenance of history tickets ;

(20) for the selection and appointment of prisoners as officers of prisons ;

(21) for rewards for good conduct ;

(22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire ; subject, however, to the consent of the Government of any other State to which a prisoner is to be transferred ;

(23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons ;

(24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends ;

(25) for the appointment and guidance of visitors of prisons;

(26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1898, and to the officers employed, and the prisoners confined, therein;

(27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and

(28) generally for carrying into effect the purposes of this Act.

Exhibition of copies of rules.

60. Copies of rules, under section 59 so far as they, affect the government of prisons, shall he exhibited, both in English and in the regional language, in some place to which all persons employed within a prison have access.

Exercise of powers of Superintendent and Medical Officers.

61. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence, be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.

THE HYDERABAD CITY WATER SUPPLY ACT, 1954.

No. XXX of 1954.

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*THE HYDERABAD CITY WATER SUPPLY ACT, 1954.

No. XXX of 1954.

An Act to control and regulate the supply of water by the Hyderabad City Water Works.

Whereas it is expedient to control and regulate the supply of water for purposes hereinafter appearing by the Hyderabad City Water works; Preamble.

Be it enacted in the Fifth Year of Our Republic as follows:—

1. (1) This Act may be called the Hyderabad City Water Supply Act, 1954. Short title, extent, commencement and duration.

(2) It shall extend to the whole of the area now served by the Hyderabad City Water Works.

(3) The Government may, by notification in the official Gazette, extend any or all of the provisions of this Act to any other area and on such date as may be specified in the notification.

(4) The Government may, at any time by like notification, direct that all or any of the provisions of this Act shall cease to extend to any area and on such date as may be specified in the notification; and on that date the said provisions shall cease to be in force in such area.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) 'area' means such of the portions of the Hyderabad City and the Hyderabad District which are now served by the Hyderabad City Water Works and shall include such other area as the Government may, by notification in the official Gazette, include in the area to be served by the Hyderabad Water Works;

(*b*) 'authority' means the Hyderabad City Water Works Authority constituted under section 3 of this Act:

(*c*) 'consumer' means any owner or occupant of a house, building, factory, garden or open ground which is served by a pipe connection from the Hyderabad City Water Works and includes any society, association, body or group which is the owner or occupier of any such house, building, factory, garden or open ground;

*Published in Gazette Extraordinary No. 191, dated the 10th November, 1954.

(*d*) 'department' means the Hyderabad City Water Works Department;

(*e*) 'meter' means an instrument used for measuring the amount of water supplied which is prescribed by or is acceptable to the Department;

(*f*) 'prescribed' means prescribed by rules made under this Act;

(*g*) 'rate' means the amount payable by a consumer to the Department for the water consumed from the pipe connection taken from the Hyderabad City Water Works according to the scale of charges fixed by the Authority from time to time under section 6 of this Act.

Constitution of the Hyderabad City Water Works Authority.

3. For the purposes of this Act the Minister for Public Works Department shall be the Hyderabad City Water Works Authority.

Power to order fixing of meters or disconnection of the supply of water.

4. The Authority may, by notification order—

(1) (*a*) the fixing, within such time as may be specified in the said notification, by the consumers at their own cost, of meters on all pipe connections, whether new or existing unmetered connection, within the whole of the area or a part thereof;

(*b*) the disconnection of the water supply, should any consumer fail to comply with the said order, or

(2) the fixing of meters, departmentally or otherwise, at the cost of the consumers.

power to supply water in bulk to local authorities.

5. The Dapartment may, by agreement, after previous sanction of the Authority, supply from the Hyderabad City Water Works water in bulk to any local authority on such terms and conditions as may be agreed upon between the Department and such local authority.

Power to order the collection of rate.

6. The authority may, by notification, order the collection by the Department of a rate from every consumer either according to the size of the pipe connection or, upon fixing of meters, on the quantity of water consumed as measured by the meters.

Power to fix or alter the rate.

7. This Authority may, by notification, from time to time, fix and vary the rate for metered and unmetered, filtered and unfiltered water according to the nature of the use of the water is put to whether for domestic, commercial, industrial or any other purpose, as the case may be.

Power to reduce or remit the rate.

8. The Government may, by general or special order, reduce or remit the rate in the case of religious or charitable institutions or in such other cases as may be deemed fit.

Power to levy general water tax.

9. The Government may, by notification, order the levy of general water tax, according to the rate fixed from time to time, on houses that do not have private pipe connections.

Fixing of meters.

10. The consumers shall, within the time specified in the notification under section 4 fix at their own expenses meters for all private pipe connections.

Keeping of pipes connections and meters in working order.

11. Every consumer shall maintain his pipe connections and the meter in proper working order and efficient condition so as to prevent water from running to waste. Where any consumer's pipe connections or meter is found to be not in working order, the Department shall give notice to the consumer fixing a reasonable time within which to get the same repaired and to have the meter tested by the Department on payment of the prescribed testing fees before reinstallation.

Register of meter to be evidence.

12. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection of water connection.

13. (1) Any Engineer of the Department or any other officer or servant of the Department authorised by him may, at any reasonable time, enter any premises having a water connection for the purpose of inspection of the water supply system to check and ascertain any defect or misuse thereof to carry out any work or repairs or to disconnect such connection when necessary.

(2) The Department may, by written notice, require the consumer to carry out any work or repairs, provide any fittings or to remedy any defect which may be found to exist in the consumer's pipe connection or meter.

Collection of rate as arrears of land revenue.

14. (1) Any amount due to the Department on account of the rate or charges for work done or repairs carried out or, any other dues under this Act shall be a charge on the premises to which water is supplied and shall be recoverable as arrears of land revenue.

(2) Where any premises is disposed of by sale or otherwise it shall be incumbent on purchaser to obtain a clearance certificate from the Department that the rate, charges or work done or repairs carried out and all other

dues payable under this Act in respect of the premises is paid failing which the purchaser shall be liable to pay all such arrears of rate, charges or dues, if any, due in respect of the premises for the period prior to his purchasing the property. In case of his failure to pay such arrears, the Department may, in addition to the collection of the arrears disconnect the water supply.

Power to cut off private water supply or to turn off water.

15. (1) The Department may cut off water connection to any premises to which private water supply is furnished or turn off the water from such premises in any of the following cases :—

(*a*) in default of the payment of the rate, charges for work done or repairs carried out or any other dues payable in pursuance of the provisions contained in sections 4, 6, 7, 8, 9, 10 or 11 within thirty days after a notice of demand for such rate, charges or dues as has been duly presented;

(*b*) if the consumer fails to comply with any requisition made by the Department under section 11, sub-section (2) of section 13 or any other provisions under this Act or the rules made thereunder;

(*c*) if after receipt of a written notice from the Authority to refrain from so doing, the consumer—

(i) continues to use the water or permits the same to be used in contravention of any rule or condition made with regard to the use thereof; or

(ii) wilfully or negligently damages any pipe, meter or fitting within his premises.

(2) The expenses of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the consumer.

Restoration of water connection.

16. Whenever water supply is cut off for any default on the part of the consumer, the Department may restore such supply on the recovery of any dues and the payment of the prescribed reopening fee.

Conditions as to the use of water not to be contravened.

17. No person to whom water is supplied by measurement shall contravene any condition prescribed for the use of such water.

Prohibition of fraudulent or unauthorised use of water.

18. (1) No person shall fraudulently dispose of any water supplied to him by the Department.

(2) No person to whom a private supply of water is furnished shall, except when the water supplied is charged

for by measurement , permit any person who does not reside on the premises in respect of which water rate is paid to carry away water from the premises to which it is supplied.

3. No person, who does not reside on premises in respect of which water tax is paid shall carry away water from any premises to which a private supply is furnished unless in any case in which such supply is charged for by measurement, he does so with the premission of such person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

19. (1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for duly registering the quantity of water supplied.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

Prohibition of wilful or neglectful acts relating to water Works.

20. No person shall wilfully or negligently—

(a) break, damage, tamper with or open any pipe connection, lock, cock, valve, pipe work, engine, cistern or fitting appertaining to water works of the Department;

(b) flush or draw off water from any such water work thereby causing water to be wasted;

(c) do any act or suffer any act to be done whereby the water in, or derived from, the said water work is wasted;

(d) obstruct, divert or in any way injure or alter any water main or duct.

Compensation under sections 19 and 20.

21. Compensation shall be paid by the offender for any damage sustained by the Department by reason of the contravention of sections 19 and 20.

Penalty.

22. Except as otherwise provided in this Act, whoever contravenes the provisions of section 19 or 20 or any other provisions of this Act or the rules or orders made thereunder or fails to comply with any requisition lawfully made upon him under the said provisions, shall be punishable with a fine which may extend to fifty rupees.

Power to make rules.

23. (1) The Government may make rules for carrying into effect the provisions of this Act.

2. In particular and without prejudice to the generality of the foregoing power such rules may be made with regard to—

(a) the procedure relating to applications for pipe connections and the fees to be paid for such applications;

(b) the fixing of meters and the repairs thereto;

(c) the method and conditions for sending of the bills and the manner of payment of rate and other dues and the manner of payment thereof;

(d) the charges for bulk supplies made to commercial and industrial concerns or factories;

(e) fees to be charged for boring pipes and for the restoration of pipe connections.

Repeal and Savings.

24. (1) All existing Regulations and Orders pertaining to water supply by the Hyderabad City Water Works are hereby repealed.

(2) Notwithstanding such repeal any rules made, action taken or anything done under the provisions of the said Regulations and Orders shall be deemed to have been made, taken or done under this Act and all sums of money due to the Department when this Act comes into force shall be deemed to be due to the Department under the Act.

THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1954.

No. XXXI of 1954.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Issue of Rs. 2,62,63,962 out of the Consolidated Fund of the State of Hyderabad for the year 1954-55.
3. Appropriation.

Schedule

*THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1954.

NO. XXXI OF 1954.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1955.

Whereas it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1955 ; Preamble.

Be it enacted in the Fifth Year of Our Republic as follows :—

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation Act, 1954. Short title and commencement.

(2) It shall come into force at once.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of rupees two crores, sixty-two lakhs, sixty-three thousand, nine hundred and sixty-two, towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1955, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 2,62,63,962 out of the consolidated Fund of the State of Hyderabad for the year 1954-55.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1955. Appropriation.

[*Statement.*

*Published in Gazette Extraordinary No. 184, dated 18th October, 1954.

SCHEDULE.

(*See Sections 2 and 3*).

Srl. No.	Services and purposes	Sums not exceeding		Total
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	
1	2	3	4	5
	A. *Revenue Account.*			
1	7-Land Revenue	...	5,09,260	5,09,260
2	9-Stamps	...	2,04,280	2,04,280
3	12-Charges on account of Motor Vehicles Acts	...	2,386	2,386
4	13-Other Taxes and Duties ...	...	20,585	20,585
5	25-General Administration ..	...	4,06,646	4,06,646
6	27-Administration of Justice ..	73,700	24,271	97,971
7	28-Jails and Convict Settlements..	...	15,000	15,000
8	29-Police	...	6,24,093	6,24,093
9	36-Scientific Departments ..	...	20,000	20,000
10	37-Education	...	1,14,000	1,14,000
11	38-Medical	...	3,000	3,000
12	39-Public Health	...	3,40,444	3,40,444
13	40-Agriculture	...	1,45,505	1,45,505
14	42-Co-operation	..	15,000	15,000
15	43-Industries and Supplies ..	..	9,93,069	9,93,069
16	XLI-Receipts from Electricity Schemes ; Deduct—Working Expenses	..	96,520	96,520

SCHEDULE.

(See Sections 2 & 3).

Srl. No.	Services & purposes	Sums not exceeding		Total
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	
1	2	3	4	5
17	47-Miscellaneous Departments ...	..	2,20,337	2,20,337
18	50-Civil Works	..	92,270	92,270
19	54-Famine	..	3,61,400	3,61,400
20	54-A. Territorial & Political Pensions	..	15,01,587	15,01,587
21	56-Stationery and Printing ..	..	51,810	51,810
22	57-Miscellaneous	..	10,85,909	10,85,909
23	63-B. Community Development Projects	..	1,00,000	1,00,000
	Total Expenditure on Revenue Account ...	73,700	69,47,372	70,21,072
	B. *Capital Account*			
24	68-Construction of Irrigation Projects, etc.	...	1,30,430	1,30,430
25	81-Capital Account of Civil Works outside the Revenue Account	...	1,70,076	1,70,076
	Total Capital Expenditure ...	...	3,00,506	3,00,506
	C. *Debt Heads*			
26	R. Loans and Advances by the State Government	...	1,89,42,384	1,89,42,384
	Grand Total ...	73,700	2,61,90,262	2,62,63,962

THE HYDERABAD HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1954.

No. XXXII OF 1954.

CONTENTS.

Preamble.

Sections.

1. Short title and extent.

2. Term 'property' in Central Act No. XVIII of 1937 to include Agricultural Land.

*THE HYDERABAD HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1954.

No. XXXII OF 1954.

An Act to extend the application of the Hindu Women's Rights to Property Act, 1937 (Central Act No. XVIII of 1937) to Agricultural Land.

Whereas it is expedient to extend the application of the Hindu Women's Rights to Property Act, 1937) Central Act No. XVIII of 1937) to agricultural Land; Preamble.

Be it enacted in the Fifth Year of Our Republic as follows :—

1. (1) This Act may be called the Hyderabad Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1954. Short title and extent.

(2) It extends to the whole of the State of Hyderabad.

2. The term 'property' in the Hindu Women's Rights to Property Act, 1937, as in force in the State of Hyderabad, shall include agricultural land; Term 'property' in Central Act No. XVIII of 1937 to include Agricultural land.

Provided that nothing in this Act shall affect any rule of succession prescribed for tenant's rights in Agricultural land by any special law for the time being in force.

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*Published in Gazette Extraordinary No. 185, dated 22nd October, 1954.

THE COTTON GINNING AND PRESSING FACTORIES (HYDERABAD AMENDMENT) ACT, 1954.

No. XXXIII OF 1954.

CONTENTS.

Preamble.

Sections.

1. Short title and commencement.
2. Amendment of section 2, Act XII of 1925.
3. Insertion of new sections 2-A and 2-B, Act XII of 1925.
4. Amendment of section 3, Act XII of 1925.
5. Insertion of new sections 3-A, 3-B, 3-C and 3-D, Act, XII of 1925
6. Substitution of new section for sections 5 and 5-A, Act XII of 1925.
7. Amendment of section 7, Act XII of 1925.
8. Substitution of a new section for section 13, Act XII of 1925.
9. Insertion of section 16, Act XII of 1925.

*THE COTTON GINNING AND PRESSING FACTORIES (HYDERABAD AMENDMENT) ACT, 1954.

No. XXXIII of 1954.

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Hyderabad State.

Whereas it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Hyderabad State for the purposes hereinafter appearing; Preamble.

Be it enacted in the Fifth Year of our Republic as follows :—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Hyderabad Amendment) Act, 1954. Short title, extent and commencement.

(2) This section shall come into force at once; and the rest of the Act shall come into force in such of the areas of the Hyderabad State and on such dates as the Government may by notification in the Jarida appoint in this behalf.

2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) (hereinafter referred to as the said Act) – Amendment of section 2, Act XII of 1925.

(1) after the word 'context' comma and dash the following clause shall be inserted, namely :—

"*(aa)* 'admixture of cotton' means a prescribed mixture of different varieties of cotton";

(2) in clause *(d)* for the figures "1911", after the words "Factories Act," the figures "1948", shall be substituted,

(3) after clause *(f)* the following clause shall be inserted, namely :—

"*(ff)* 'licence' means a licence granted under section 2-A";

(4) after clause *(h)* the following clause shall be inserted, namely :—

*Published in the Gazette Extraordinary No. (196) dated 17th Nov. 1954.

"*(i)* 'season' means such period as may from time to time be prescribed."

Insertion of new sections 2-A and 2-B, Act XII of 1925.

3. After section 2 of the said Act, the following new sections shall be inserted, namely :—

Licence for working cotton ginning factory or cotton pressing factory.

"2-A. (1) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority in such form, subject to such conditions and on payment of such fee as may be prescribed.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extened to five hundred rupees or, if he has previously been convicted of an offence under sub-section (1), to fifteen hundred rupees.

(3) No licence for which the prescribed fee has been paid shall be refused, suspended or cancelled except on the ground that the owner or person in charge of the factory concerned has been convicted for the contravention of the provisions of section 3-A :

Provided that no licence shall be suspended or cancelled under this sub-section until after the expiration of the season in which the said owner or person has been so convicted.

Control of rates chargeable for ginning and pressing cotton.

2-B. (1) The Government may, by notification, declare in any local area specified in such notification no owner or person in charge of a cotton ginning or cotton pressing factory situated in such local area shall—

(*i*) charge or cause to be charged, for the ginning or pressing of cotton, rates in excess of such maxima as may be fixed by the rate fixing committee of such local area under sub-section (6); or

(*ii*) refuse to accept or cause to be so refused cotton tendered by any person for ginning or pressing, if the tenderer is prepared to pay charges at rates lawfully leviable; or

(*iii*) impose as a condition for ginning or pressing of cotton tendered by any person for the purpose, the surrender of cotton seed or lint in whole or part in lieu of the charges lawfully leviable :

Provided that where a cotton ginning or cotton pressing factory carries on the process of ginning or pressing cotton ex-

clusively for its owner or person in charge as a part of his normal trade, the Government may exempt such factory from the operation of clauses (*ii*) and (*iii*) subject to such conditions as may be prescribed.

(2) There shall be a rate fixing committee for each local area specified in the notification under sub-section (1). Such committee shall consist of the Collector of the District, who shall be the Chairman of the committee, and the following members, namely—

(*a*) two representatives of cotton growers of the local area ;

(*b*) two representatives of owners of cotton ginning and cotton pressing factories in the local area ;

(*c*) one non-official possessing special or technical knowledge of cotton ginning and pressing or of cotton trade to be nominated by the Director, Commerce and Industries of the State ;

(*d*) the Chief Inspector of Factories and Boilers of the State or such other officer as he may nominate.

(3) The two representatives referred to in clause (*a*) of sub-section (2) shall be selected by the District Board from amongst the cotton growers of that area.

(4) The two representatives referred to in of clause (*b*) sub-section (2) shall be elected by the owners of cotton ginning and cotton pressing factories in the local area from amongst themselves.

(5) If the representatives of cotton growers or of owners of cotton ginning and cotton pressing factories in any local area referred to in clauses (*a*) and (*b*) of sub-section (2) are not selected or elected, as the case may be, within such time as may be prescribed, the Collector shall nominate such representatives from amongst the cotton growers or the owners of cotton ginning and cotton pressing factories as the case may be, from that local area.

(6) Every rate fixing committee shall fix the maximum rates for ginning or pressing cotton within its local area.

(7) The Government may make rules—

(*i*) providing for and regulating the selection and election of the representatives referred to in clauses (*a*) and (*b*) of sub-section (2), the manner of selection and election, the term as office of the members of the committee, the

preparation of voters' list where necessary, the filling of any casual vacancies and all matters connected with such selection and election;

(*ii*) laying down the principles to be observed and the procedure to be followed by the committee in fixing the maximum rates and the rates so fixed by the committee shall be duly made known by the Collector to all concerned in the local area in such manner as may be prescribed;

(*iii*) providing for the conditions of exemption from the operation of clauses (*ii*) and (*iii*) of sub-section (1).

(8) The provisions of section 13 shall apply to the making of rules under sub-sections (1), (5) and (7).

(9) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five hundred rupees."

Amendment of section 3, Act XII of 1925.

4. The fullstop at the end of sub-section (2) of section 3 shall be omitted and the following words added thereafter:—

"and the prescribed particulars of the cotton ginning factory where it has been ginned as supplied by such person."

Insertion of new sections 3-A, 3-B, 3-C and 3-D, Act XII of 1925.

5. After section 3 the following new sections shall be inserted, namely:—

Prohibition of watering, etc., of cotton.

"3-A. (1) The Government may, by notification, declare that in any area specified in such notification, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any owner or person in charge of a cotton ginning or cotton pressing factory who in such factory gins or presses or allows to be ginned or pressed cotton which he knows or has reason to believe—

(*a*) is watered or contains foreign substance or cotton waste, or

(*b*) when such factory is in an area specified under sub-section (1) contains an admixture of cotton,

shall be punishable with fine which may extend to five thousand rupees.

(3) A court trying an offence under sub-section (2) shall presume cotton to be watered which is certified by the

prescribed authority to contain moisture in excess of the moisture that such cotton might reasonably be expected to contain considering where and when such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.

(4) Any owner of a cotton pressing factory who knowing or having reason to believe that any cotton contains seed in excess of the prescribed proportion, presses or allows such cotton to be pressed in such factory shall be punishable with fine which may extend to five thousand rupees.

Penalty for watering, etc., of cotton.

3-B. Any owner of cotton who does any of the following acts, that is who knowingly makes or causes to be made wet any cotton which is ginned and which is being or is intended to be pressed in a cotton pressing factory, or mixes or causes to be mixed therewith, seed, foreign substance or cotton waste, or in any area specified in sub-section (1) of section 3-A makes any admixture of cotton or abets or knowingly allows or connives at any such act shall be punishable with fine which may extend to five thousand rupees.

Examination of cotton packages or bales.

3-C. (1) The Government or any Gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3-A or section 3-B in respect of any cotton, package or of any bale and in the case of a complaint on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed person or body.

(2) A certificate given by such person or body after examination of the cotton or the contents of the package or bale under sub-section (1) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

Entry and inspection.

3-D. (1) The Government may authorise any Gazetted Officer to enter into and inspect, at any reasonable time, at any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or of any rule made thereunder or of any of the conditions subject to which a license has been granted in respect of such factory and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or the person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or the person in charge of such factory, shall in every instance, be permitted to attend during the inspection and the things seized during such inspection shall be sealed in the prescribed manner."

Substitution of new section for sections 5 and 5-A, Act XII of 1925.

6. For sections 5 and 5–A the following section shall be substituted, namely .—

"5. (1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form as may be prescribed weekly returns showing the quantity of cotton ginned in the factory during the preceding week and from the commencement of the season to the end of that week.

Returns.

(2) The Government shall compile from the weekly returns submitted under sub-section (1) and shall publish, in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the State during the week and from the commencement of the season to the end of the week of which the returns relate:

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(3) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(4) The Government shall compile from the weekly returns submitted under sub-section (3), and shall publish, in such manner as it thinks fit, a statement showing that total number of bales pressed in the State during the week and from the commencement of the season to the end of the week to which the returns relate:

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner of the factory

shall be punishable with fine which may extend to fifty rupees.

(6) Where the owner of a cotton ginning factory or a cotton pressing factory has notified to the prescribed autority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed."

Amendment of section 7, Act XII of 1925.

7. In sub-section (1) of section 7 of the said Act for the figures, letter and word "4, 5, 5-A and 6" after the words "for the purpose of sections", the figures, letters and word "2-B, 3-A, 3-B, 3-D, 4, 5, and 6" shall be substituted.

Substitution of a new section for section 13, Act XII of 1925.

8. For section 13 the following section shall be substituted :—

"13. (1) The Government may by notification in the Jarida make rules consistent with this Act to provide for all or any of the following matters, namely :—

Power of the Government to make rules.

(*a*) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;

(*aa*) what shall constitute an admixture of cotton;

(*ab*) the period which shall from time to time constitute a season;

(*ac*) the authority by whom, the forms in which, the conditions subject to which and the fee on payment of which, a licence may be granted under sub-section (1) of section 2-A ;

(*ad*) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 ;

(*ae*) the proportion of seed which may be contained in cotton ;

(*af*) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3-A ;

(*ag*) the person or body authorised to examine the cotton or the contents of the package or bale under section 3-C ;

(*ah*) the procedure for making a complaint and causing the cotton or the contents of the package or bale to be

examined and the fee for examination of the same under sub-section (1) of section 3-C ;

(*ai*) the manner in which things seized shall be sealed under section 3-D ;

(*b*) the appointment of the authority to whom and the time within which the returns required by section 5 shall be made ;

(*c*) the appointment of authorities for the purposes of sections 7, 8 and 9 ;

(*d*) the manner of service of order made under section 9 ;

(*e*) the powers of entry and inspection which may be exercised by Collectors or by any officer specially empowered in this behalf by the Government ;

(*f*) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

(2) The rules to be made under sub-section (1) sh al be subject to the condition of previous publication."

Insertion of section 16, Act XII of 1925.

9. After section 15 the following new section shall be inserted :

"16. Whoever contravenes any of the provisons of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, on conviction, if no other penalty is already provided in this Act for contravention, be punishable with fine which may extend to five hundred rupees, or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees."

Penalty.

THE HYDERABAD CIVIL COURTS ACT, 1954.

No. XXXVI of 1954.

An Act to re-enact the law relating to Civil Courts.

Whereas it is expedient to re-enact the law relating to Civil Courts in the Hyderabad State ;

Be it enacted in the Fifth Year of Our Republic as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Civil Courts Act, 1954.

(2) It extends to the whole of the Hyderabad State.

(3) Sections 11 and 12 of this Act shall be deemed to have come into force on the 16th day of October, 1952 ; the rest of this Act shall come into force from the date of its publication in the official Gazette.

Creation and alteration of Districts & Taluqas Continuance of existing Districts and Taluqas.

2. (1) The Government may, for the purposes of this Act, from time to time, by notification in the official Gazette. —

(*a*) create new Districts and Taluqs ; or

(*b*) alter the local limits of existing Districts or Taluqas by transfer of a Taluqa or a portion of a Taluqa from the limits of one District to another District, or by transfer of a portion of a Taluqa from the limits of one Taluqa to another Taluqa.

(2) The Districts and Taluqas existing at the time when this Act comes into force shall, until an order is made under sub-section (1), be the District and Taluqas for the purposes of this Act.

Situation of Courts.

3. (1) The Government may, from time to time, by notification in the official Gazette specify the places at which the Judges and Munsiffs under this Act shall ordinarily hold their court.

(2) The places at which the said Judges and Munsiffs hold their court at present shall, until an order is made under sub-section (1), be deemed to be the places so specified by

the Government under sub-section (1).

Establishment of District Courts.

4. (1) The Government shall in consultation with the High Court establish a Court of District Judge for each District or for more than one District and appoint a District Judge for each District or Districts.

(2) The Government may, if it thinks fit, appoint one or more Additional District Judges for one or more such Districts.

(3) The Additional District Judges so appointed shall discharge all or any of the functions of the District Judge under this Act or any other law for the time being in force, which the District Judge may assign to them, and in the discharge of those functions, they shall exercise the same powers as the District Judge.

(4) Notwithstanding anything contained in sections 2 and 3 of this Act, the High Court may, by notification in the official Gazette, specify the local limits of the jurisdiction and the place within such limits at which such Judge or each of such Judge, Additional District Judge or each of such Additional District Judges shall ordinarily hold his court.

Establishment of Courts of Subordinate Judges.

5. (1) The Government may establish a Court of a Subordinate Judge for each District or for more than one District and appoint a Subordinate Judge for each District or Districts.

(2) The Government may, if it thinks fit, appoint one or more Additional Subordinate Judges for one or more such District or Districts.

(3) The Additional Subordinate Judges so appointed shall, subject to the general or special orders of the District Judge, discharge all or any of the functions of the Subordinate Judge which the said Subordinate Judge may assign to him and in the discharge of those functions they shall exercise the same powers as the Subordinate Judge.

(4) Notwithstanding anything contained in sections 2 and 3 of this Act, the High Court may, by notification in the Official Gazette specify the local limits of the jurisdiction and the place within the local limits at which such Subordinate Judge or each of such Subordinate Judges, Additional Subordinate Judge or each of such Additional Subordinate Judges shall ordinarily hold his court.

Establishment of Courts of Munsiffs.

6. (1) The Government may, establish a Court of Munsiff for each Taluqa or for more than one Taluqa and appoint a Munsiff for such Taluqa or Taluqas.

(2) The Government may, if it thinks fit, appoint one or more Additional Munsiffs for one or more such Taluqas.

(3) The Additional Munsiffs so appointed shall, subject to the special or general orders of the District Judge, discharge all or any of the functions of the Munsiff which the said Munsiff shall assign to him and in the discharge of those functions shall exercise all the powers as the Munsiff.

(4) Notwithstanding anything contained in section 2 and 3, the High Court, may, by notification in the official Gazette specify the local limits of the jurisdiction and the place within such local limits at which such Munsiff or each of such Munsiffs. Additional Munsiff or each of such Additional Munsiffs shall ordinarily hold his Court.

Establishment of Tribunal and Benches.

7. (1) The State Government may, by notification in the Official Gazette appoint a court consisting of one or more Judges to try and dispose of a case or cases or for a part of the State or for the whole State and may specify the class of cases which the Court may try and dispose of.

Appeals.

(2) Appeal from the Judgement of such court shall lie to the High Court.

Place and period of sitting of certain Courts.

8. (1) Notwithstanding anything contained in sections 2, 3, 4, 5 and 6 the High Court may, by notification in the Official Gazette specify the place or places (other than the places where they ordinarily hold their Court) at which the Judges and Munsiffs mentioned in sections 4, 5 and 6 shall hold their Court :

Provided that where more than one place is specified as the place where a Court shall sit the High Court shall specify in the Notification the period for which or the days on which and the purpose for which such Court shall sit at each of such places.

(2) The places specified under sub-section (1) shall be deemed to be within the jurisdiction of the said Court.

Separate territorial jurisdiction for Additional District Judge. Additional Subordinate Judge and Additional Munsiff.

9. Notwithstanding anything contained in section 4, 5 and 6, the High Court may, by notification in the Official Gazette empower any Additional District Judge, Additional Subordinate Judge, Subordinate Judge and Munsiff, as the case may be, specified area.

Seal of the Court.

10. Every Court appointed under this Act shall use a seal of such form and dimensions as the High Court, may with the approval of the Government, specify.

Classes and pecuniary jurisdiction of Civil Courts.

11. The classes of Civil Courts and the pecuniary jurisdiction of the Judges thereof in original suits shall be as follows:—

In the Districts

(1) the Court of the District Judge or the Court of Additional District Judge.	With unlimited jurisdiction.
(2) the Court of Subordinate Judge or Additional Subordinate Judge.	With jurisdiction not exceeding rupees twenty thousand.
(3) the Court of the Munsiff or Additional Munsiff.	With jurisdiction not exceeding rupees two thousand.

In the City Civil Court

(1) the Courts of First and Second Judge.	With unlimited jurisdiction.
(2) the Courts of Third and Fourth Judge.	With jurisdiction not exceeding rupees five thousand.
(3) the Courts of Fifth Judge.	With jurisdiction not exceeding rupees two thousand.

Distribution of work in the City Civil Courts and discharge of functions of the First Judge by the Second Judge.

12. (1) The First Judge of the City Civil Court may, from time to time, make such arrangements he may think fit for the distribution of the business of the Court among the various Judges thereof.

(2) The Second Judge of the City Civil Court, shall subject to the general or special order of the High Court discharge all or any of the functions of the First Judge of that Court which the said First Judge may assign to him and in the discharge of those functions the said Second Judge shall exercise the same powers as the said First Judge.

Power of Govt. to increase the pecuniary jurisdiction of Subordinate Judges and Munsiffs.

13. The Government may on the recommendation of the High Court, by notification in the official Gazette increase the original pecuniary jurisdiction of—

(*a*) a Subordinate Judge, or an Additional Subordinate Judge, from rupees twenty thousand to any sum not exceeding rupees fifty thousand; or

(b) a Munsiff or an Additional Munsiff from rupees two thousand to any sum not exceeding rupees five thousand :

Provided the Government may, by notification in the official Gazette, delegate to the High Court its powers under this section ;

Provided further that nothing in this section shall be deemed to affect any pecuniary jurisdiction of a Munsiff or Additional Munsiff which was being validly exercised immediately before the commencement of this Act.

Appeals from District and Additional District Judges.

14. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional District Judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional District Judge, in a case in which, if the decree or order had been made by the district Judge, an appeal would not lie to the Court.

Appeals from Subordinate Judges and Munsiff.

15. (1) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge or an Additional Subordinate Judge shall lie—

(a) to the District Judge—where the value of the original suit in which or any proceeding arising out of which the decree or order was made does not exceed rupees five thousand, and

(b) to the High Court, in any other case.

(2) Save as aforesaid, an appeal from a decree or order of a Munsiff or Additional Munsiff shall lie to the District Judge.

Appeals from Judges of the City Civil Court.

16. (1) Save as aforesaid, an appeal from a decree or order of the first Judge or the Second Judge of the City Civil Court, shall lie to the High Court.

(2) The First Judge of the City Civil Court and the Second Judge of the City Civil Court, subject to condition laid down in sub-section (1) of section 12, may take cognizance of an appeal from every decree or order of other Judges of the said Court from which an appeal is allowed under any law in force.

Cases in which a Judge shall not take cognizance of suit or appeal.

17. (1) No Judge or Munsiff shall take cognizance of a suit in which he himself is a party or has any interest or concern.

(2) No Judge or Munsiff shall take cognizance of an

appeal or application filed against an order or decree passed by him, by way of review or rectification.

(3) In the cases mentioned in sub-sections (1) and (2), the said Judge or Munsiff, as the case may be, shall, as early as possible, send the case together with a report of the circumstances in which he is not competent to entertain the suit or appeal to the Court to which an appeal would lie from his judgment and the said Court shall proceed with the suit or appeal, as the case may be under the provisions of the Code of Civil Procedure, 1908.

Control over subordinate court.

18. (1) The District Judge shall have general control over all the Subordinate Civil Courts and their establishments within his District and it shall be his duty to supervise and inspect or to cause one of his assistants to inspect the proceedings of such Courts and give them directions, as he may think necessary and the subordinate Court shall act in accordance therewith.

(2) The District Judge shall also refer to the High Court such matters as appear to him to require that a rule of that Court should be made thereof.

Powers of the Govt. and the High Court to call for statements, reports and returns from Courts.

19. The Government or the High Court may call for statements, administrative reports and returns from all Courts and the Courts shall comply with such orders of the Government or the High Court, as the case may be.

Court may be empowered by Govt. for appointment, etc., of officers and appointment, promotion and leave of staff and sanctioning of funds.

20. The Government may, to such extent as it thinks fit, confer upon any Court the powers in respect of selection and recommendation for the appointment and promotion of ministerial officers and staff and for their leave, suspension, punishment and removal and until so empowered the powers already conferred on such Court by the Hyderabad Civil Services (Classification, Control and Appeal) Rules, 1952 shall continue to be exercised.

Repeal and savings.

21 The Hyderabad Civil Courts Act, 1324 F., is hereby repealed :

Provided that all Courts established or continued appointments made, notifications issued, orders passed, action taken, or things done, or deemed or purported to have been so done under the said Act, shall be deemed to be established, continued, made, issued, passed, taken, or done under the provisions of the Act.

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